

MAR 14 2002

DP 11439

*clh*

March 5, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.]

29-56

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.]

1-30

[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.]

20-5  
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1-31

23-83

Sincerely,



NAME: KATHY L. RASMUSSEN  
ADDRESS: 2442 LA ROCHELLE  
CITY, STATE ZIP: SEABROOK, TX 77586

MAR 14 2002

DP 11440

*ulu*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-23

Sincerely,

Name:

*ERRY B. Conley*

Address:

*4739 13th St  
Bacliff TX 77518*

MAR 14 2002

March 11, 2002

DP 11441

*Sub*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

*J. A. Woodward*

Name: J. A. Woodward

Address: 15302 TADWORTH DRIVE

HOUSTON TEXAS 77062

DP MAR 14 2002

March 11, 2002

11442

CRH

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-23

Sincerely,

Jennifer Williams

Name:

Jennifer Williams

Address:

201 Grant

Deer Park, Tx. 77536



MAR 14 2002

March 11, 2002

DP 11443

*Chli*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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Sincerely,

Name:

Cindy Haddock

Address:

3510 E. Broadway #1003  
Pearland, TX 77581

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11444  
666

Re: DEIS for the Proposed Bayport Marine Terminal

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23-23

Sincerely,



Name: TRACY C. JONES

Address: 2315 MCCARTY  
HOUSTON TX. 77029

MAR 14 2002

March 11, 2002

DP 11445

lll

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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Sincerely,

Name:

RICH SCAGHT

Address:

8315 McCLARTY DR.  
HOUSTON TX 77029

MAR 14 2002

DP 11446

*llk*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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1-31

23-23

Sincerely,

Name:

*Alicia Spruill*

Address:

*10027 Rustic Road Rd  
LA Porte, TX 77571*

MAR 14 2002

DP 11447

*llh*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

Name:

W.D. Howard Sr.

Address:

2350 Concord Rd  
Brazemont, Texas 77708

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11448

ChA

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23-83

Sincerely,



Name: JAMES G JACKSON  
Address: 15206 FALLING CK. DR.  
HOUSTON, TX. 77068

Glenn & Jeanette Hasbrouck  
14006 Court of Regents  
Houston, TX 77069

MAR 14 2002  
MAR 14 2002

DP 11449

Uhh

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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Sincerely,

Name:

Address:

Glenn & Jeanette Hasbrouck  
14006 Court of Regents  
Houston, TX 77069

MAR 14 2002

DP 11450

CLH

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
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Sincerely,

Name:

C. M. Hancock

Address:

1986 G.R.D. 661  
Dayton, Texas 77535



MAR 14 2002

March 11, 2002

DP 11451

*Cell*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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1-31

23-83

Sincerely,

Name:

*Jack Lee French*

Address:

*Route 9 Box 1392  
Lurugaston, Texas 77351*

MAR 14 2002

March 11, 2002

DP 11452

chh

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Rae Maeder

Address:

4618 Oakmont Cir  
Pasadena Tx 77505

MAR 14 2002

March 11, 2002

DP 11453

666

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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1-31

23-23

Sincerely,

Name:

Craig Morgan

Address:

2797 Lindwood Dr.  
League City, TX 77573

MAR 14 2002

DP 11454

*Call*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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1-31

23-23

Sincerely,

Name:

Connie McCain

Address:

14206 Oak Circle

Humble, Tx 77396

MAR 14 2002

DP 11455

*duh*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely, *Juan S. Rodriguez*

Name: Juan G. Rodriguez

Address: 5415 Bebedink  
Houston Texas 77019

MAR 14 2002

DP 11453

*cdh*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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Sincerely,

Name:

*Everett Dixon* EVERETT DIXON

Address:

1511 FIFTH ST. # 504  
Missouri City, Tx. 77489

MAR 14 2002

DP 11457

004

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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Sincerely,

Name:

Antwan Mercier Antwan MERCIER

Address:

5959 Kenilwood  
Houston, TX 77033

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DP 11453

*Ull*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
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23-83

Sincerely,

Name: J Jesus Alviseo

Address: 610 Illinois  
So. Houston Tex.  
77587



MAR 14 2002

March 11, 2002

DP 11459

*Chh*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

Name: ROBERT RAINY

Address: 6206 WADE Rd  
Lot 267 BAYTOWN 77521

MAR 14 2002

March 11, 2002

DP 11400

*Cuba*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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[Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth that will result in a higher quality of life for all.] [I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.] 1-31  
23-23

Sincerely,

Name:

SUSAN CONNER

Address:

14317 FOREST KNOLL ST.  
HOUSTON TX 77049

MAR 14 2002

DP 11461

146

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-30

[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.] 20-5  
1-1  
20-5

[Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all] [I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.] 1-31  
23-23

Sincerely,

Name:

Address:

Deanna Ferguson  
1614 Hancock C/R 661  
Bayport, Texas 77535

MAR 14 2002

DP 11462

*ad*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

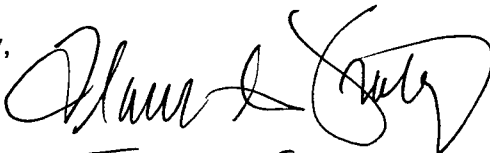
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23-23

Sincerely,



Name: THOMAS G. ISANY

Address: 2118 EAGLE PT  
CROSBY TX 77532

MAR 14 2002

DP 11463

*Call*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-576

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-30

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23-83

Sincerely,

Name:

Joe E. Rodriguez

Address:

1311 Oak Meadows  
Houston TX 77017

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11464

caa

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

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23-83

Sincerely,

Name:

Address:

William J. Samra  
8334 Wind Willow  
Houston TX 77040

MAR 14 2002

March 11, 2002

DP 11405  
caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.]

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1-1  
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1-31

23-23

Sincerely,

*Pamela Merritt*

Name:

Pamela Merritt

Address:

6 Shallow Pond Pl.

The Woodlands, TX 77381

MAR 14 2002

March 11, 2002

DP 11166

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-83

Sincerely,

Name:

Pat Sanders

Address:

5806 ETHELWY  
HOUSTON, TX 77039



MAR 14 2002

March 11, 2002

DP 11467

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-23

Sincerely,

*Barbara M. Luttre*

Name:

BARBARA M. LUTTRE

Address:

1603 Viking Drive

HOUSTON, TX 77018

MAR 14 2002

March 11, 2002

DP 11468

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

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23-83

Sincerely,

*Amy Poinboeuf*

Name:

*Amy Poinboeuf*

Address:

*11966 Kentucky Derby  
Montgomery, TX 77316*

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11463  
caa

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

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1-30

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20-5  
1-1  
20-5

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1-31

23-83

Sincerely,

Name:

Cathy Conway

Address:

13431 Cypresswood Crossing Blvd.  
Houston, Tx  
77070

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11470  
CAA

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

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23-83

Sincerely,

Name: Shanna Clarke

Address: 1301 Anne Ave  
Humble, TX 77338

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11471  
CAA

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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1-1  
20-5

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23-83

Sincerely,

*Lisa Barksdale*

Name: Lisa Barksdale

Address: P.O. Box 642  
Waller, TX 77484

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11472

*ca*

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-23

Sincerely,

Name: Robert A. Sandus

Address: 207 W. Sandance Cir.  
The Woodlands, TX 77382

MAR 18 2002

March 11, 2002

DP 11473

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-83

Sincerely,

Name:

Address:

T. L. Littleberry  
4303 Littleberry Rd  
Hou, TX 77088

MAR 18 2002

Dee Anne Thomson  
3114 Lazy Pine Lane  
La Porte, TX 77571

DP 11474

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.] 20-5  
1-1  
20-5

[Please note that I am a 15 year resident of La Porte and live very near the proposed site, less than 2 miles away, off of Hwy 146, I currently work in Barbours Cut, Port of Houston facility, as does my husband. Our family is counting on the development of this project for our continued prosperity. I also feel that this project will bring many other employment opportunities to our area.] 6-114

[Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth. I feel this will result in a higher quality of life for all.] I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.] 1-31  
23-83

Sincerely,



Dee Anne Thomson



MAR 18 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11475

CAC

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

Y. W. Brown

Address:

2332 JEFFERSON  
COUROS TEXAS 77303

MAR 18 2002

DP 11476

cab

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name: S. H. La Grange II

Address: 910 Greaser  
Houston, Tx 77034

MAR 18 2002

DP 11477

CAA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-23

Sincerely,

Name:

Address:

TOPPES H.F.  
P.O. Box 981  
G.P. TX 77547  
Galena Park

MAR 18 2002

DP 11478

CLC

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-23

Sincerely,

Name: Tomas Gonzalez

Address: 1131 Kellogg

Houston Tx. 77012

MAR 18 2002

DP 11479

CAA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

Address:

OTIS L. RCHIA  
4915 River Mill  
SPRING TX 77397

MAR 18 2002

March 11, 2002

DP 11400

CAA

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-23

Sincerely,

Name:

Harry Belcher

Address:

409 WILLOW SPRINGS PLACE

SPRING, TEXAS 77373

MAR 18 2002

DP 11461

CAC

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

Joe Belcher

Address:

23242 GRAND RAPIDS

SPRING TX 77373

MAR 18 2002

DP 11482

*caa*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

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23-83

Sincerely,

Name:

*Martin Alexander*

Address:

*23227 Timberbrook Dr.  
Spring, Tx. 77373*



MAR 18 2002

March 11, 2002

DP 11483

COA

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Peter C Guidry

Address:

7714 FDE

713-633-9173

MAR 18 2002

DP 11484

March 11, 2002

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-23

Sincerely,

Name:

Ken Wilcox

Address:

7455 Ashburn  
Houston, Texas 77061

MAR 18 2002

DP 11485

~~XX~~ CAA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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2383

Sincerely,

Name:

John Kelly ←

Address:

2030 Insurance Dr ←  
Spring, Tx 77386

MAR 18 2002

DP 11486

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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23-83

Sincerely,

Name:

W. A. Fendley

Address:

BT 2 BOX 117B

BUFFALO TEX 75831

MAR 18 2002

DP 11487

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name: Penny Cornelius

Address: 7415 Seminole  
Baytown, TX 77521

MAR 18 2002

DP 11488

CAA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-23

Sincerely,

Name: D.K. BYRD

Address: 15000 PARK ROCE 115  
HOUSTON, TX 77084

MAR 18 2002

March 11, 2002

DP 11489

144

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name: Richard B. McCann Jr.  
Address: 3510 E Broadway #1003  
PEARLAND, TX 77581

MAR 18 2002

March 11, 2002

DP 11400

146

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Address:

*Pickie Bradley*  
*302 Clinton Park*  
*Houston, Texas 77029*



MAR 18 2002

DP 11491

144

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

Name: HR Baker ←

Address: 621 Moscatine ←  
Hurst Bu Tex 77029

MAR 18 2002

DP 11492

*caa*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

*S. Lozoya*

Name:

SANDRO LOZOYA

Address:

6816 SHERMAN

HOUSTON TX 77011

MAR 18 2002

March 11, 2002

DP 11493

*CAA*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely, 

Name: PATRICK D. GRAY

Address: 2731 DELBORD CT.

MISSOURI CITY, TX 77459

MAR 18 2002

March 11, 2002

DP 1149-1

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Address:

James J. La  
3216 Wild Turkey Ln  
Pearland TX 77581

MAR 18 2002

DP 11495

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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1-31  
23-83

Sincerely,

*Gerard Hill*

Name:

GERARD HILL

Address:

12826 Cambridge Eagle  
Houston, TX 77044

MAR 18 2002

March 11, 2002

DP 11493

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
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CC

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1-31

23-23

Sincerely,

Name:

Johnny McCurdy

Address:

1110 Mobile  
PASA, TX. 77506

MAR 18 2002

DP 11497

*CAA*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
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23-83

Sincerely,

Name:

*Cheryl A. Jory* Cheryl A. Jory

Address:

5925 AVEL  
SANTA FE, TX 77510

MAR 18 2002

DP 11403

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

Name:

Shanto Gibson

Address:

4914 Hill

HOUSTON, TX 77021



MAR 18 2002

March 11, 2002

DP 11493

*caa*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
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23-23

Sincerely,

Name:

Address:

*Joe W. [Signature]*  
16906 LACINE CT  
EROSBY TX 77532

MAR 18 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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DP 11500

CAA

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23-83

Sincerely,

Name: John H. H. H. H.

Address: 2215 Poplar Park  
Kingwood TX 77339

MAR 18 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11501

*cda*

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23-23

Sincerely,

Name: GILBERT WITZ JR.

Address: 14618 LEE VALLEY DR.  
HOUSTON, TX 77049

MAR 18 2002

DP 11502

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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23-83

Sincerely,

Name: Orlando M. Lopez

Address: 2311 Bayport

Spring, Tx

ZIP

MAR 18 2002

DP 11503

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
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Galveston, Texas 77553-1229

*CLD*

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23-83

Sincerely,

Name:

*D.W. McWhorter*

Address:

*7007 Hesse*  
*Houston, Texas 77030*

MAR 18 2002

March 11, 2002

DP 11504

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-30

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1-1  
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23-83

Sincerely,

*Bradley V. Byrd*

Name:

BRADLEY V. BYRD

Address:

10502 SOUTH BELMONT  
HOUSTON, TX 77065

MAR 14 2002

March 11, 2002

DP 11505

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

*Henry C. Luff*

Address:

*11521 Biscayne Way  
Houston TX 77076*

MAR 14 2002 MAR 14 2002

DP 11506

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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Sincerely,

Name:

Jerry Lynn Chappell

Address:

2603 Woodcrest Dr.  
Houston, Tx 77018



MAR 14 2002

DP 11507

*aaa*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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1-31

23-83

Sincerely,

Name:

*Angela Kuhn*

Address:

*10422 Elk Point Lane  
Houston TX 77064*

MAR 14 2002

March 11, 2002

DP 11508

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Yolanda Ramirez

Address:

13831 Northwest Ferry, Ste 650  
Houston, TX 77040

MAR 14 2002

Mar-12-02 01:02pm From:OOCL USA INC.

T-200 P.001/001 F-721

DP 11509

Ura

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

*Pamela Vacek*

Name: Pamela Vacek - OOCL(USA) INC.

Address: 13831 Northwest Freeway, Suite 650  
Houston, TX 77040

MAR 14 2002

DP 11510  
CWA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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23-83

Sincerely,

Name:

Rodger W. Wynn

Address:

217 Page  
DECR PARK TX.

217

MAR 14 2002

March 11, 2002

DP 11511

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

CAA

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23-83

Sincerely,

Name:

Ronnie Saly

Address:

13831 Northwest Freeway, Suite 650  
Houston, Tx 77040

MAR 14 2002

DP 11512

*CLL*

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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29-54

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1-31  
23-83

Sincerely,

*Edward Klumbe*

Name: EDWARD KLUMBE

Address: 5326 GERMER

SPRING, TX. 77379

MAR 14 2002

March 11, 2002

DP 11513

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

CAA

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23-83

Sincerely,

Name:

Address:

Juan C. Lopez  
7505 W. Knoll  
Houston Tx 77058

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11511

caa

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2383

Sincerely,

Name: Tammy Laumann  
Address: 855 Pebbleshire Dr.  
Houston, Tx. 77062



MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11515

CAA

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23-83

Sincerely,

Name:

*Ray A. Reef*

Address:

*14911 Colville*

*Cham Channelview Tx*

MAR 14 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11516

*cad*

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

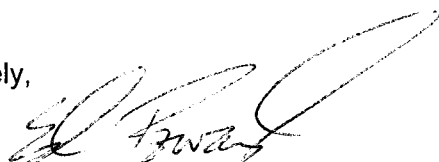
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23-83

Sincerely,



Name: Ed Rasmussen

Address: 11008 Rosling Woods Drive  
Houston, TX 77069

MAR 14 2002

DP 11517

caa

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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1-31

23-83

Sincerely,

*Bernice M. Atkinson*

Name: BERNICE M. ATKINSON

Address: 20802 SWEET VIOLET CT.  
KINGWOOD, TX, 77346

MAR 19 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11518

caa

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23-83

Sincerely,

Name:

Day L Hartzo

Address:

8822 Apple mill  
Houston Tx 77095

MAR 19 2002

March 11, 2002

DP 11519

CAC

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

**RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL**

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29-56

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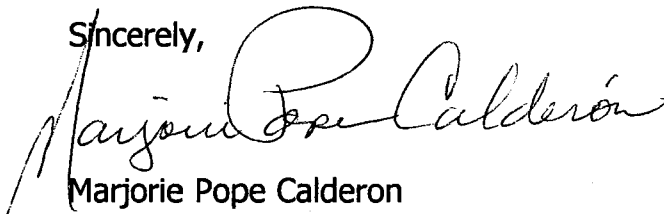
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1-31

23-83

Sincerely,



Marjorie Pope Calderon  
P.O. Box 90776  
Houston, TX 77290

MAR 19 2002

DP 11520

March 11, 2002

*caa*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

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23-83

Sincerely,



John D. Thomas  
5003 Lymbar  
Houston, TX 77096

MAR 19 2002

DP 11521

March 11, 2002

*caa*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

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1-31  
23-83

Sincerely,

*Karen A. Powers*

Name: *KAREN A. POWERS*

Address: *1979 'A' Country Village Blvd  
Humble TX 77338*

MAR 19 2002

March 11, 2002

DP 11522

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

caa

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23-83

Sincerely,

*Dusti D. Soots*

Dusti Soots  
7030 Pine Grove  
Houston, TX 77092



MAR 19 2002

DP 11523

March 11, 2002

*Clark*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

**RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL**

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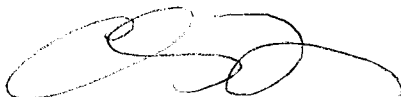
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23-83

Sincerely,



Chris Lewis  
13710 E. Cypress Forest  
Houston, TX 77070

MAR 19 2002

DP 11524

CAA

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

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23-83

Sincerely,

CJ Bailey

C.J. Bailey  
3340 East Walnut #103  
Pearland, TX 77581

MAR 19 2002



# Lake Charles Food Products

A Cooper Company

March 11, 2002

DP 11525

*Chili*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-30

[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.] 20-5  
1-1  
20-5

[Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all.] I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.] 1-31  
23-83

Sincerely,

Name:

Address:

*James P. Hughes*  
*150 MARINE ST SHED 7 BOX 25*  
*LAKE CHARLES LA 70601*

MAR 19 2002

March 11, 2002

DP 11526

Chalk

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

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23-83

Sincerely,

Name: DAVID G. CARTER

Address: 11035 HOFFER  
HOU, TX 77089

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11527

CAA

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-26

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.] 1-30

[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.] 20-5  
1-1  
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23-83

Sincerely,

Name:

Jeresa Alfafara

Address:

6354 Ivyknoll Dr.

Houston, Tx 77035

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11528

*Click*

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:


[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 24-56

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1-1  
20-5

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23-83

Sincerely,



Name: JOHN GATECH

Address: 4417 ROCK, HOUSTON, TX 77027

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11529

cad

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-83

Sincerely,

Name:

SANDRA E. VALDERRAMA



Address:

18418 EADELEY WOOD DR.  
HOUSTON, TX 77082

MAR 12 2002

March 11, 2002

DP 11530

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

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23-83

Sincerely,

Name:

THERESA GRAHAM



Address:

6446 DRYAD

HOUSTON, TX 77035



MAR 12 2002

March 11, 2002

DP 11531

caa

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

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23-23

Sincerely,

Name: Anne Dunaway (Anne Dunaway)  
Address: 5913 Avenue VM  
Santa Fe, TX 77510

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11532

cat

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.] 29-56

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23-83

Sincerely,

*John Edel*

Name: JOHN EDEL

Address: 8203 BRAESDALE LN  
HOUSTON, TX 77071

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11533

*Cal*

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-83

Sincerely,

Name:

*John*

Address:

1415 NORTH LOOP WEST, #1200  
HOUSTON, TX 77008

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11534

Chad

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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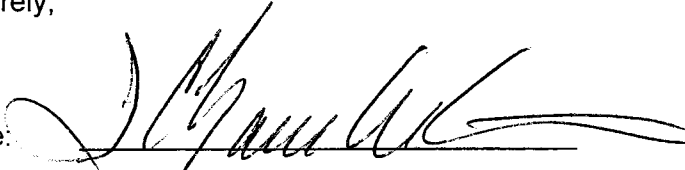
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23-83

Sincerely,

Name:

Address:

  
20011 CROSSVINE TR. LN.  
CYPRESS, TX. 77429

MAR 12 2002

March 11, 2002

✓ 11535

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

CCA

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-23

Sincerely,

*Jeanette M. Washington*

Name: Jeanette M. Washington

Address: 7330 Fuchsia Lane, Humble, TX 77346

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11536

100

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

Julie Villareal O. Huggins Shipping

Address:

1415 97.1000 West Ste 1200  
Houston TX 77008

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11537

*CM*

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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23-83

Sincerely,

Name: Lava Chai

Address: 1415 North Loop West Suite 1200  
Houston, TX 77008

MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11538

*clh*

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name: Hye Young Parizot  
Address: 1415 N. Loop West #1200  
HOUSTON, TX 77008



MAR 12 2002

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11539

*cdk*

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name: Carol Mc Guire  
Address: 846 Benmar Ave  
Houston TX 77032

MAR 12 2002

DP 11540

March 11, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

CAA

Re: DEIS for the Proposed Bayport Marine Terminal

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23-83

Sincerely,

Name:

Address:

Patricia M. Hult  
Marjin Shipping Co  
1415 North Loop West Suite 1200  
Houston TX 77008

MAR 19 2002

DP 11541

March 12, 2002

*CHL*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

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1-30

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20-5

1-1

20-5

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1-31

23-83

Sincerely,

Name:

*Cynthia Chambers*

Address:

*1717 East Loop - Sk 200*

*Hou TX 77029*

MAR 19 2002

DP 11542

*add*

March 13, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

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29-56

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1-31

23-83

Sincerely,

*Richard J. Martinez*  
Richard J. Martinez  
522 Slumberwood  
Houston, Texas 77013

MAR 19 2002

DP 11543

March 13, 2002

CDA

Mr. Kerry M. Stanley  
U. S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley:

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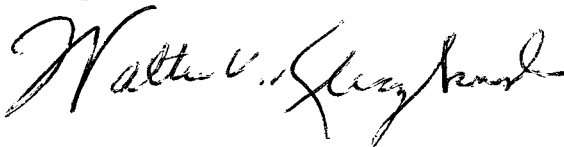
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[I wish to request that the Corps of Engineers maintain the current time frames and complete the required Environmental Impact Statement as soon as possible.] 23-23

Sincerely,



Name: Walt Kleczkowski  
Address: 3507 Sycamore Shadows Drive  
Kingwood, Texas 77339

MAR 14 2002

March 12, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11544

*CUA*

Re. DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

[I am providing this letter to notify you of my sincere support of the DEIS covering the Bayport Terminal Project.]

29-56

[I have just recently been employed in the maritime industry and even in this little amount of time that I have been involved in this industry; I have seen the increasing need for more smoothly run container space.]

1-30

[I believe that the DEIS covers all the important issues] and [they will strongly help the Port of Houston in their increasing need for a more efficient terminal.]

20-5

1-1

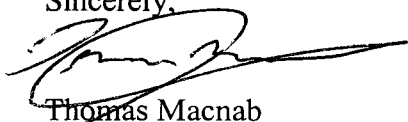
[You must permit the Proposed Bayport Marine terminal in order to assure that the region receives full benefits dealing with the expanded containerized growth which will help the Port of Houston in their endeavors to make more money and control more containers.]

1-31

The more containers we hold, the more money the Port of Houston will make, it's that simple. [I strongly urge you to listen to the Corps of Engineers because they, in my mind, have the best solution for expansion at this time.]

23-23

Sincerely,



Thomas Macnab  
12683 Rip Van Winkle  
Houston, TX 77024

MAR 14 2002

March 12, 2002

DP 11545

*UAA*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

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29-56

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1-1

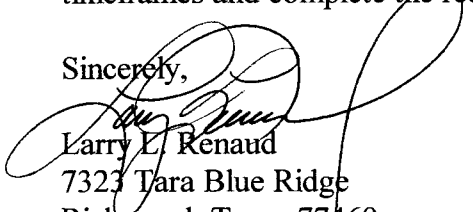
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1-30

23-83

Sincerely,

  
Larry L. Renaud  
7323 Tara Blue Ridge  
Richmond, Texas 77469

MAR 14 2002

DP 11546

March 12, 2002

CAA

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

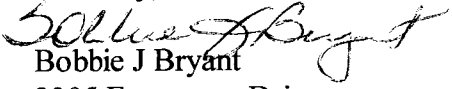
[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ] 29-56

[ I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. ] 1-30

[ I feel that the DEIS fully covers all of the important issues ] and that [ the Bayport Terminal Project will meet the Port of Houston's current and future needs ] while [ adequately addressing all of the environmental concerns. ] 20-5  
1-1  
20-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. ] [ I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. ] 1-31  
23-83

Sincerely,

  
Bobbie J Bryant

2305 Evergreen Drive  
Pearland, Texas 77581



MAR 14 2002

DP 11547

*CUH*

March 12, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

[ I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. ]

1-30

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20-5  
1-1  
20-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. ]

1-31

23-83

Sincerely,

*Linda Martinez*

Linda Martinez

522 Slumberwood

Houston, Texas 77013

MAR 14 2002

March 12, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11543

C4d

Re: DEIS for the Proposed Bayport Marine Terminal

Dear Mr. Stanley,

[I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project.]

29-56

[I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs.]

1-30

[I feel that the DEIS fully covers all of the important issues] and that [the Bayport Terminal Project will meet the Port of Houston's current and future needs] while [adequately addressing all of the environmental concerns.]

20-5  
1-1  
20-5

[Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive full benefits of expanded containerized growth which will result in a higher quality of life for all. I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible.]

1-31

23-83

Sincerely,



Marie Rebstock  
3706 Audley #9105  
Houston, Texas 77098

MAR 14 2002

March 12, 2002

DP 11549

CAA

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS ]  
[ covering the Bayport Terminal Project. ]

29-56

[ I am employed in the maritime industry in this area and know of the  
critical need for new facilities to properly handle current and future containerized  
cargoes in the Port of Houston. Additional modern container space is needed if  
the Port of Houston is to compete and meet our region's needs. ]

1-30

[ I feel that the DEIS fully covers all of the import issues ] and that [ the  
Bayport Terminal Project will meet the Port of Houston's current and future needs ]  
while [ adequately addressing all of the environmental concerns. ]

20-5

1-1

20-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to  
assure that those in the region receive the full benefits of expanded containerized  
growth which will result in a higher quality of life for all. ] [ I wish to request that  
the Corps of Engineers maintain the current timeframes and complete the required  
Environmental Impact Statement as soon as possible. ]

1-31

23-23

Sincerely,

Name:

Jim G. RUSO

Address:

523 BAY AVE  
SURFSIDE BEACH TX 77541

MAR 14 2002

March 12, 2002

DP 11550

CLL

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

24-56

[ I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. ]

1-30

[ I feel that the DEIS fully covers all of the import issues ] and that [ the Bayport Terminal Project will meet the Port of Houston's current and future needs ] while [ adequately addressing all of the environmental concerns. ]

20-5

1-1

20-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. ] I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. ]

1-31

23-83

Sincerely,

Name:

Rosie Cisneros

Address:

5481 So. Crooked Creek  
Houston TX 77017

MAR 14 2002

March 12, 2002

DP 11551

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

*CLD*

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS ]  
covering the Bayport Terminal Project.

29-56

[ I am employed in the maritime industry in this area and know of the  
critical need for new facilities to properly handle current and future containerized  
cargoes in the Port of Houston. Additional modern container space is needed if  
the Port of Houston is to compete and meet our region's needs. ]

1-30

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1-1

20-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to  
assure that those in the region receive the full benefits of expanded containerized  
growth which will result in a higher quality of life for all. ] [ I wish to request that  
the Corps of Engineers maintain the current timeframes and complete the required  
Environmental Impact Statement as soon as possible. ]

1-31

23-83

Sincerely,

Name:

*Susan Palmer*

Address:

*507 N. Ave C  
Humble, TX 77338*

MAR 14 2002

March 12, 2002

DP 11552

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

006

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

[ I am employed in the maritime industry in this area and know of the critical need for new facilities to properly handle current and future containerized cargoes in the Port of Houston. Additional modern container space is needed if the Port of Houston is to compete and meet our region's needs. ]

1-30

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1-1

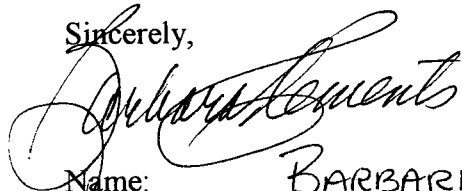
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1-31

23-83

Sincerely,



Name:

BARBARA CROWSON CLEMENTS

Address:

16231 DEERLICK DR

HOUSTON, TX 77090

MAR 14 2002

DP 11553

March 12, 2002

*Chk*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

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1-30

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20-5

1-1

26-5

[ Permitting of the Proposed Bayport Marine Terminal is vital in order to assure that those in the region receive the full benefits of expanded containerized growth which will result in a higher quality of life for all. ] I wish to request that the Corps of Engineers maintain the current timeframes and complete the required Environmental Impact Statement as soon as possible. ]

1-31

23-83

Sincerely,

Name:

*Kathleen Hoyos*

Address:

*2817 BELLEVUE*

*HOUSTON, TX. 77017*

MAR 14 2002

DP 11551

Chh

March 12, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

Dear Mr. Stanley:

[ I am providing this letter to notify you of my strong support of the DEIS covering the Bayport Terminal Project. ]

29-56

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20-5

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20-5

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1-31

23-83

Sincerely,

Name:

W. J. May

Address:

10506 SAGEWIND  
HOUSTON TX 77089



MAR 14 2002

11555

March 12, 2002

*Chk*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District - Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

RE: DEIS FOR THE PROPOSED BAYPORT MARINE TERMINAL

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29-56

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20-5

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1-31

23-83

Sincerely,

Name:

*Jason Austin*

Address:

*239 Emerson #10*

*Houston, TX 77006*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP11556  
AV

Mr. Stanley,

In the past 90 years the Port of Houston has played an important role in the area's economy. The port provides jobs for thousands and the Bayport Terminal project would provide hundreds of more jobs for years to come. The Port of Houston is taking every step possible to be environmentally friendly for the area. ] 6-110

I urge you to grant the necessary permit for the Bayport project. ] 29-80

Sincerely,

Jerry McDonald

*Jerry McDonald*

14802 PARISH

CROSBY TX 77532

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11557

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

SELESTINO CASTILLO JR.  
4223 BLIND RIVER  
PASADENA, TX 77504

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11553

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

Tanya Rogers

Splendora Texas

77372

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

JP 11553  
AV

Dear Mr. Stanley,


The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11500

AV

Dear Mr. Stanley,

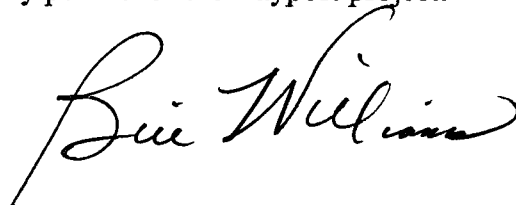
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I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

27-80

Very truly yours,



Bill Williams  
10925 Fair Wood  
Laforte, Texas 77571

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11561  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

Robert N. Woody  
10507 5th Ave  
Houston TX 77059

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11562

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*Ronnie Jackson Jr.*  
*Deer Park TX.*



MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11563

AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,



T.C. NASH  
RT. 3 BX. 715  
SAND LEO, TX 77539  
(281) 339-3857

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11561

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*PAT Riley*

PAT Riley  
1290 CR 850A

ALVIN TX 77511

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11565  
AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,



217 UT 6+5+  
Deer Park, TX 77536

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11566

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*Charles G. Smith*

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11567

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Paul Leah

2818 Huckberry

Port TX 77502

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

D 11568

N

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*William J. Garcia*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11563

AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*C. P. Remington*

MAR 12 2002

DP 11570  
AV

Dear Mr. Stanley

6-110 [ The Port of Houston has played a vital role in the Texas regional economy over the last 40 yrs. The ~~Bayport~~ Bayport Terminal is critical to the continued success of the port and the employment of thousands of area residents

29-80 [ I am one of these individuals whose economic security depends on the port and I urge to grant the necessary permit for the ~~Bayport~~ Bayport project

Very truly yours  
Paul L. Phares



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11571  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110  
29-80

Very truly yours,

Nancy O'Brien  
1106 N. Amy  
Deer Park TX 77536

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11572

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Angela Caride

6-110

21-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11573  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110  
29-80

Very truly yours,

John H. Reaser  
3/4/2002

8227 Colgate  
Houston, TX 77061

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11574

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Amy S. Traylor

6-110

29-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11575  
AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Philip D. Harriman*  
RT. 1 BOX 2078B  
San Leon Texas  
77539

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

OP 11576  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110  
2A-80

Very truly yours,

*Jacky Dore D*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11577  
AN

Mr. Stanley,

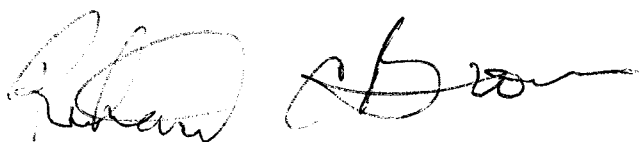
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



5822 Southtown

Houston, Texas 77033

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11573

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Edward W. Fouts  
1434 HORATIO  
Houston, TX 77029



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11579

AV

Mr. Stanley,

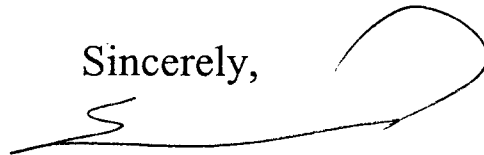
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

71-80

Sincerely,



*Samuel L. Collins Jr.*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11500

AV

Dear Mr. Stanley,

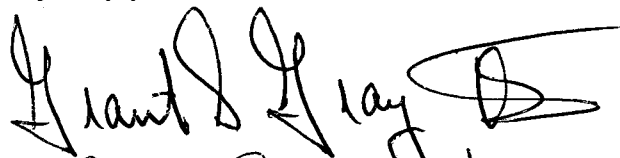
The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

  
9810 SAGEROYAL  
HOUSTON TX 77089

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

UP 11501

AW

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

Roberto G. Rios  
1401 13th ST.  
GALENA PARK TX.  
77547

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

U 11582  
N

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

DAVID Chamberlain

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11583  
AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110  
24-80

Very truly yours,

Raymond Crisp  
6060 Fairmont Pkwy Apt  
Pasadena Tx 77505 10105

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

UP 11504  
AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Gilbert Blackburn*

GILBERT BLACKBURN - A RESIDENT OF  
SHOREACRES, TEXAS.

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11505  
AN

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Donald R. Self*

3639 RED OAK BRANCH LN.

KINGWOOD, TX

77345

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11506

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Shauna Taylor

4011 Nasa Rd 1, #512

Seabrook, TX 77586



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

LP11587

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Mel Cooper*

825 CR 6481

DAYTON TX 77535

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11588  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

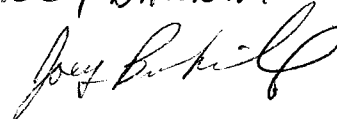
I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

JOEY BARNHILL



404 CHANDLER

BAY TOWN TX 77521

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

TP11589  
AW

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

MR. William F. Burton

600 EAST MEDICAL CENTER BLVD.  
APT 308

WEBSTER TX 77598

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11500  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Earl Cooper  
9419 Nyassa  
Houston Tx 77078

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11531

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

ARTURO MARTINEZ  
1411 2 ST  
GALENA PARK  
TX  
713-450-2693

Q

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

UP11592  
AV

Mr. Stanley,

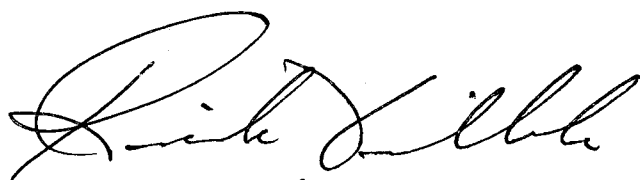
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



581 CR 6053

Doughton, Tx. 77535

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11593

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Lloyd Babler  
919 NORTHWOOD ST.  
APT. 6503  
BAYTOWN TX 77521

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11594

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

NOE GARZA

*[Signature]*

7703 WILMERDEN

Houston, Tx. 77061



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11595  
AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

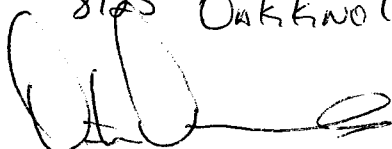
29-80

Sincerely,

Dexter Daniels

(713) 633-1722

8125 Oak Knoll



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11596  
AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely, Jeffrey U. Medema

*Jeffrey U. Medema*

1728 Kilgore Rd  
Baytown TX. 77520

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11597

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*James W. Ham*

*632 Primrose Ln.*

*La Porte Texas 77571*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

1P 11503  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Walter B. Ramey - Vice President

6635 INWOOD WEST DR  
HOUSTON, TEXAS 77055

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111593  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Walter W. W. W.*

511 Freney Dayton Tx 77535

936-258-8806

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11800

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

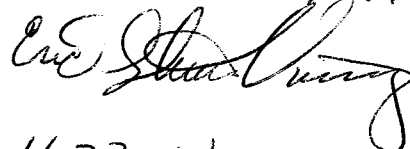
6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

ERIC STEVEN VINING



1633 WEBSTER ST

LEAGUE CITY TEXAS 77573

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 116C1  
SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

Frank Key Jr  
I.L.A. LOCAL 1351

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11602

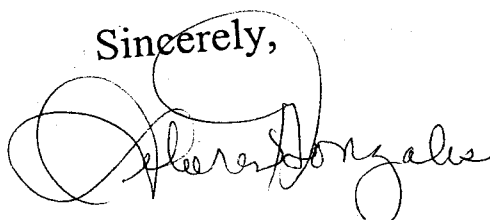
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-113

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-20

Sincerely,



2-22-02



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

CP11003  
SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*Austin W. Riggs*  
*LA Porte TX 77571*

MAR 12 2004

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11604

SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*Michael A. Halbo*

*Dickinson, TX*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11005

SS

Mr. Stanley,

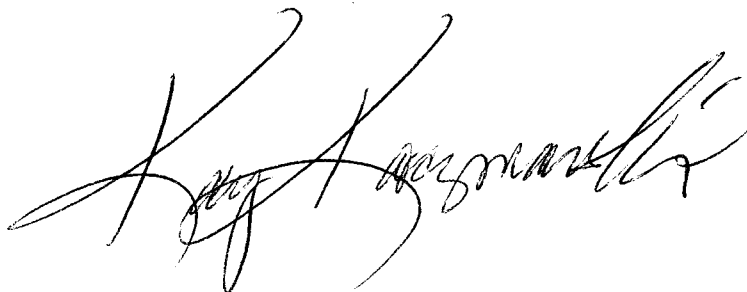
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

A handwritten signature in dark ink, appearing to read "Kerry M. Stanley", written in a cursive style.

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11006

SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11607

SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,

*James F. Iratnam*  
12927 CAMBRIDGE EAGLE  
Houston, Texas 77044

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

11608  
SS

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Very truly yours,



Dick Park TX 77536

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11603

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



1330 Padlock Road DL  
Eggeness TX 77423  
281-855-1346

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

PP11610  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



Stephen C. Senulis  
3506 D.H. Watkins  
Deer Park TX 77536



MAR 12 2002

IP11611

Dear Mr. Stanley

6-110 The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port of Houston and the employment of thousands of area residents.

29-80 I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Very truly yours,  
EVERETT DIXON  
Everett Dixon

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

AP 11612

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely, *EDUARDO RIVAS JR.*  
*Eduardo Rivas Jr.*  
1214 Sundown Meadows  
Crosby Tx 77532

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

UP11613

SS

Mr. Stanley,

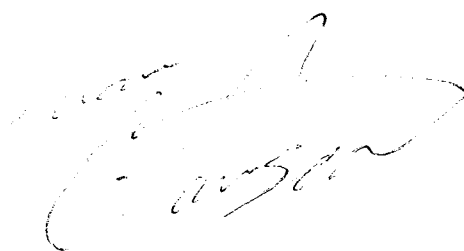
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



3551 Summer town  
L.A. TX 77571

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111C14

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Athena Armstrong  
631 S. Holmes St.  
LaPorte, Texas  
77571

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111615

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Fernando Cortez  
7407 Crispwood  
Houston, Texas  
77086

281-820-6970

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11616  
SS

Mr. Stanley,

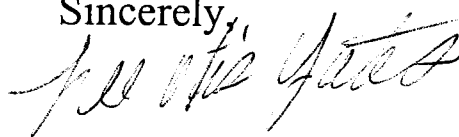
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11617  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

*George Tullos*

635 C.R. 4902

DAYTON TEXAS

77535

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

D 11013

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



Ernest R. York

68 CR 4904

Dayton, Tx 77535



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11819  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Jose L. Flores Jr  
8128 Concord  
Houston TX 77017  
Jose L. Flores Jr

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11620  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. } 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. } 29-80

Sincerely,

LEE Albright  
247 County Rd 640  
Dayton Tex. 77535

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11621

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Timothy Dermody SE

P.O. Box 952

Galena Park Tx 77547

713-460-8055

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11022

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

HENRY KILLEN  
405 WESTLAKE  
DAYTON TX  
936-258-5068

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

UP 11023  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

*Landon Guthrie*  
3220 Grant St.  
Pasadena, Texas 77503

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11621

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Mrs. Mary Keller*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11625

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

*Antonio Nieto*  
711 S RICHEY #APT #52  
PASADENA TX 77506

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11636  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

*Johan Smith*



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

IP 11627  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

*Thomas R. Rojas*  
4606 Down Ln.  
Houston, TX 77093

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11023  
55

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

CLAUDIO A. SANCHEZ  
Sincerely, *Claudio A. Sanchez*

5109 Bo II  
HOUSTON TX, 77023

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11623  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Sharon Chumblee*

*Sharon Chumblee  
1905 Kerry Dr  
Deer Park Texas 77584*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11000  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



RTS Box 269-A  
Dayton Texas 77535

936 257-9070

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111831  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Dale Thompson  
27914 Bent Horn L.  
Magnolia TX 77355  
281-2596778

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11632  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,



321 Blackwell  
La Porte Tx 77571

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11833  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. ] 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. ] 29-80

Sincerely,

Hallie Dodson

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

D11C3-1  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. ] 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. ] 29-80

Sincerely,

R. A. Williams  
305 AVE  
20 HOUTER  
77547



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111635

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Paul R. Ray  
P.O. Box 1440  
Cleveland, TX  
77328

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

P 11636

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

ROBERT G. STONE  
Robert G. Stone  
728 HANDRELL LN  
PASADENA, TEX

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11037  
5

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

*Guy Dobson*

477 CR 644  
Dayton TX 77535

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11638

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29.80

Sincerely,

*Regil Hudson*  
11123 Dalebrook  
Houston TX 77053

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11633

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

29-80

Sincerely,

Ronnie Yang

2009 DADC

Pas. TX 77502

(713) 477-1125

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

111640

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Freddi Martin*

855 Green Road  
Apt 94

Houston, Texas

77060

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11641

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Thomas Mitchell  
1212 Inwood Lane  
Pasadena, Texas  
77502

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11642  
S

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Ricardo Saldaña*

Ricardo SALDAÑA  
5934 ALLISON RD  
Houston, TX 77048  
(713) 991-4879



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

OP 11843  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

*Jody Arnold*

Jody Arnold  
8127 Sanford  
Baytown Tx  
77521

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

Mr. Stanley,

DP11041  
SS

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Bill Demkewicz  
9030 Sultan  
Houston, TX 77028

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11645  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Maria J. Johnson*  
*1000 E Curtis #902*  
*Pasadena, Tx*  
*77502*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

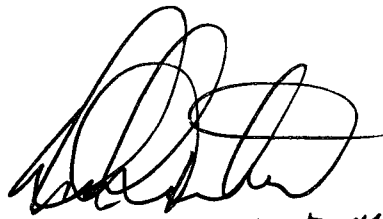
DP 11016  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,



4808 FAIRMONT PKWY #231  
PASADENA, TX 77505

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11647  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Donald Miller  
214 Oakley Ln  
Houston, 77026

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

11043  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Joe Flores  
7706 Wilmerdean  
Houston Tex 77061  
PH 713) 644-4741

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11643  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Dale W Martin  
6310 Fairbourne  
Pasadena, TX  
77505

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11830  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely, MARVEN A. SIKES

*Marvin A. Sikes*  
105 BEARNARD LN  
HAFFMAN, TX. 77336

6-110

29-80



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11651  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Crystal Mae Ellison  
614 Oakleaf Ln.

Pasadena, Texas  
77502

713-473-0403

832-428-7087

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

OP 11052  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. ] 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. ] 29-80

Sincerely,

Bill Pyper  
654 Globe  
Houston, TX 77034  
(281) 635-1725

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11653  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. ] 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. ] 29-80

Sincerely,

*Samantha Gilbert*  
2021 ALLEN GENDY  
HOUSTON, TX. 77017

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11054  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Thomas Miffliu  
RT 3 BOX 237  
Dayton, Tx 77535

Thomas Miffliu

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11055  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



Chuck Jolly  
1210 Dutch  
Durr Park, TX 77536  
281 930-8384

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11656

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

*[Signature]*  
14803 T. Howard  
Santa Fe, Tx. 77517

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11057  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

Terry L. Embury  
129 A. Lyle Lane  
Dayton, Tex. 77535

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11658  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

J. D. Williams  
1918 TULSA Deer Park TX  
77536  
281-478-3041



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11859

SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-82

Sincerely,

Robert C. Banhill  
103 Williams  
Baytown, Texas 77520

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11000  
SS

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence. 6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project. 29-80

Sincerely,

*David Merrill Jr*  
DAVID Merrill JR  
13814 MAISEMORE  
HOU, TX, 77015

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11001

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Victor M. Bohn

Sincerely,

Victor M. Bohn

3615 TRAILWOOD  
HOUSTON, TX 77023

6-110

29-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11002  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Christos Zagorianos*

Christos Zagorianos  
5612 freshMeadow  
League City TX 77573

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11663

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



Robert D. Waller  
603 S. BURNET  
Baytown TX 77520

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11661

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Frederico V. Pagan*

8219 WETHERBY LN.

HOUSTON TEX 77075

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11005

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*William O. Doherty*

15320 FM 2354

Beach City Texas 77520

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11006

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Paul C. J-



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11667

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Tracy Dollins

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11003

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Darrell Evans

*Darrell Evans*

6411 Glenegles

Pasadena Tex 77502

281/842-7445

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11063

AV

Mr. Stanley,

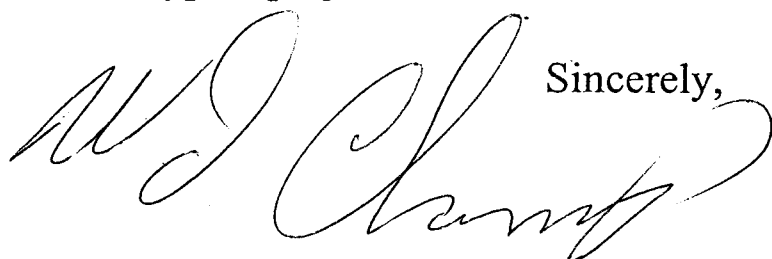
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



6630 Woodlawn  
Houston Texas

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11070

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Ray Tolson 770 EDEN Houston TX 77012  
713 526-6198

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11671

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Carolyn Moore*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11672

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

WILLIAM VAN LUE  
17022 SUNSHINE AVE. HOV. 77049  
281-456 0225

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11673

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Patrick C Hillborn  
322 BAY OAKS DR  
LA PORTE TX 77571

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11074

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

B. J. Harriman

RT. 1 BOX 2078B  
San Leon Texas

77539



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11675

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Denise Martin*

4432 GREEN TREE DR

BAYTOWN, TX 77521

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11076

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

*Michelle Beebe*

6-110

29-80

MAR 2 1982

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11077

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Frank Skellow*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

LF 11073

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Angela NAKAL

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11679

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*D. J. Battles*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11000

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Nora A. Blackwell  
1502 Allendale  
Pasadena, TX 77502

6-110

29-80

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11681

MAR 12 2002

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Robert Bush  
22860 BRAZOS DR  
PORTER, TX. 77365

6-110

29-80

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

11682

MAR 12 2002

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Richard Narvey*

*3010 fm 1942*

*CROSBY TEXAS 77532*



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11083

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

2980

Sincerely,

Richard Fuller  
1502 ALLENDALE  
PAS, TX 77502 #5

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11681  
AV  
MAR 1 2 2002

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110  
29-80

Sincerely,

*Robert L Gerardo*

Robert L Gerardo

7319 Palestine Hov 77020

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11685

AN

Mr. Stanley,

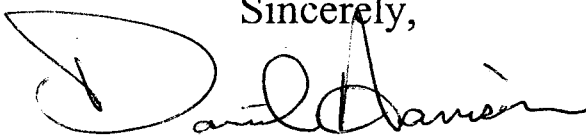
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

  
David HARRISON

1023 W. WILLIS ST  
ALVIN TX. 77511

P.S. This is a crucial step in our ability to remain economically competitive within our industry. This is also a very important installation to our growth as a city and community.

6-

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DF 11686

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Robert L. Sowers  
3810 Crawford  
Pasadena, Tx. 77503

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

D11687

AV

MAR 12 2002

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

JUAN C. ENRIQUEZ  
3120 Pasadena Blvd. Apt. 69  
77503

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11688  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Lee Fitzpatrick*  
13947 Villagrove  
Houston, TX 77049

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11683

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Shanna DeSilva  
2017 Harbour Cove Dr.  
Seabrook, TX 77586

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11600

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Frank Westbrooks



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP 11091

AV

Mr. Stanley,

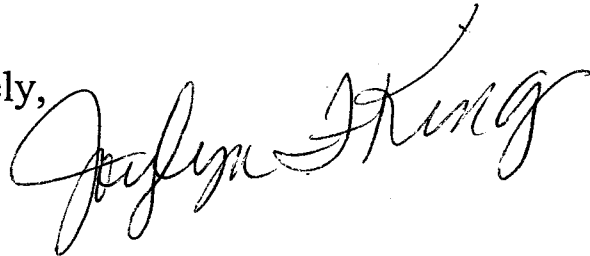
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I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 12 2002

DP11602  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



RANDOLPH LYNN WEISKOPF

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11693  
AV

MAR 12 2002

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,



10927 WESTBRAE VILLAGE DR  
HOUSTON TX 77031

DP11694

AV

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Jerry Matheson

Jerry Matheson

5825 Russell Ln.

Baytown Tx. 77521

UP11695  
MAR 12 2002 AV

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely, *Mark D Howell*

*PH# 281 3316085*

*2828 Jana Ln*

*Pasadena TX 77503*

6-110

29-80

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11C96  
AV  
MAR 12 2002

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Ernest K. Summer*

*10, 211 Farm St.  
Hou, TX 77017*

DP11637

MAR 12 2002

AV

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Mary Freeman

2223 9th

Galena Park TX 77547-2105

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11693

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

Dorothy J. Battle  
4307 Quaton Drive  
Houston, Texas 77047



DP 11699  
AV

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Mrs. Shirley Bishop Johnson*

DP 11700

AV

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Carrie Aranya

DP11701  
AV  
MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

James Ray Smith

P.O. Box 295

So. Houston

Mail Address

Texas  
77587

Business Address

2120 Allen Genoa

Houston Texas 77017

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11702  
AV

MAR 12 2002

Mr. Stanley,

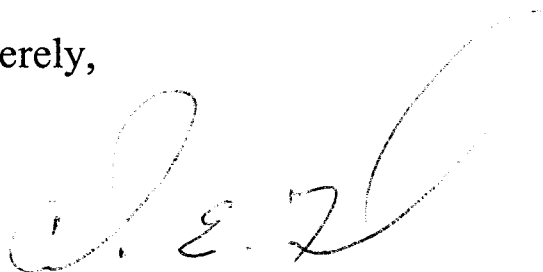
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11703  
AV  
MAR 12 2002

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Diana Rohlin*  
*Port Employee*

DP11701  
AV

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,

Jennifer  
Dahlmeier

6-110

2780

DP11705  
AV

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Very truly yours,

J. J. Schneider  
10438 Collingswood  
LaPorte TX 77571

6-110

29-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

AV

11706

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

6-110

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

25-80

Very truly yours,

*Oliver D. [Signature]*



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP11707

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

W. Fred R. III

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11708  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*H. M. Stanley*

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11709

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

Michael K. JR.

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP11710

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Laurel Price*

DP 11711 AV

MAR 12 2002

Dear MR Stanley

6-110 [ THE Port of Houston has played vital roll in Texas  
economy over the 90 years. The Bayport Terminal  
project is critical to the continued success of the  
Port and The employment of ~~that~~ thousands of area residents  
I am one of these individuals whose economic security  
depends on the port and I urge to grant the necessary permit  
for the Bayport project

Very Truly  
Lamont E. \_\_\_\_\_

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11712

AV

Dear Mr. Stanley,

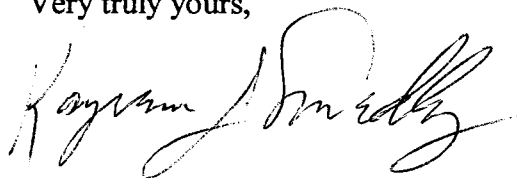
The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11713  
A-V

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Very truly yours,

JAVIER GUTIERREZ

6-110

29-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11711

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

*Barbara Churchill*



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11715  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Joseph F. Rizo*  
Joseph F. Rizo  
808 Gale  
Houston, Texas  
77069

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11716  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

2980

Very truly yours,

*Willie L. Preston*

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11717

AV

Mr. Stanley,

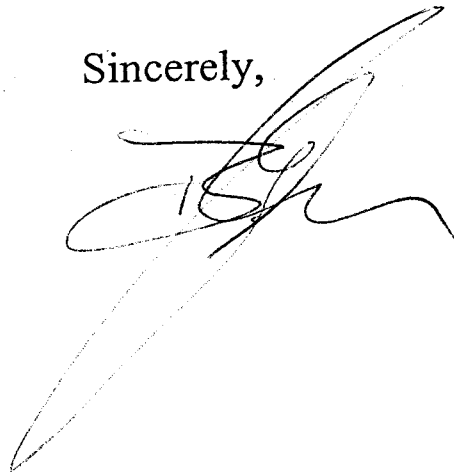
The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

27-88

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be a cursive representation of a name, possibly "J. B. Smith" or similar, written over a faint, larger signature.

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11713

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

J. L. Nance

Houston, Texas

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

LP 11713

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

2980

Very truly yours,

Brenda Rogers  
101 Merriellane  
So. Houston  
77587

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11720

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Don Ryals  
Don Ryals

3807 TOYAH. AVE  
HOUSTON TEXAS 77039

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11721

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

JOE DAY

2810 PEACH LN.

PASADENA, TEXAS 77502

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP11722

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

59-80

Very truly yours,



Hollin West  
5236 ARBOLES DR  
Houston TX 77035

2166174



MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

DP 11723  
AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Very truly yours,

Billy Liff  
Pearland, Tex

6-110

25-80

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11721

AV

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

James T. Reddick

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11725

AN

Dear Mr. Stanley,

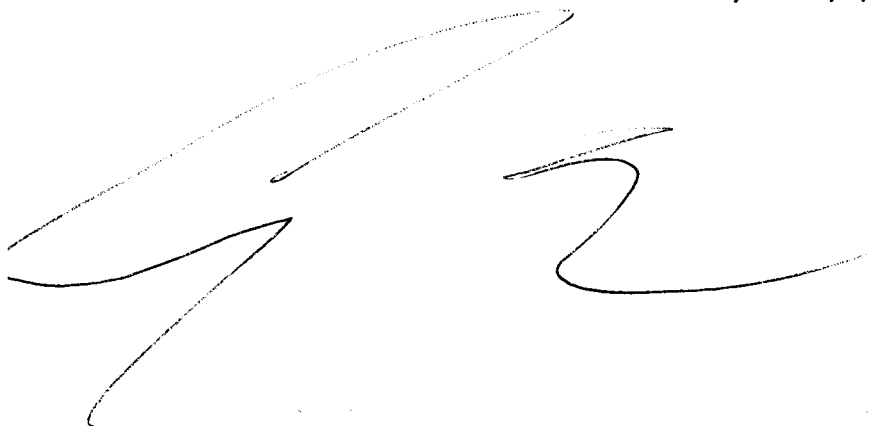
The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Very truly yours,

A large, stylized handwritten signature in black ink, consisting of several sweeping, connected strokes.

MAR 12 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11728

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

*Mark Stevens*

1077 OAK LEAF

LA PORTE TX 77571

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11727

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Randy Collins  
514 Bay Ridge RD #4

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 14 2002

DP11723  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

LUIS GODINEZ  
1806 9-ST  
GALENA PK TX  
77457

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 14 2002

DP11729

AN

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,

Bryce Hawk

8633 HAWK RD 77584  
Pearland TX

MAR 14 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP11730

AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

29-80

Sincerely,



GARY THACKER  
1204 FAWN COURT  
LEAGUE CITY, TX. 77573



Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

MAR 14 2002

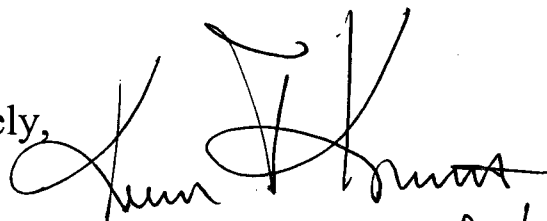
DP11721  
AV

Mr. Stanley,

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

Sincerely,



Pc Box 224

Huffman TX 77336

6-110

29-80

11732  
AV

MAR 12 2002  
MARCH 5th 2002

Dear Mr. Stanley

The Port of Houston has played a vital role in the Texas regional economy over the last 90 years.

The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residents.

I am one of those individuals whose economic security depends on the port.

I urge you to grant the necessary permit for the Bayport project.

Very truly yours  
Bernard Aguilard

DP 11733

MAR 12 2002

AV

3-5-02

Dear Sirs,

6-110 [ The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and employment of thousands of area residence.

29-80 [ I'm one of those individuals whose economic security depends on the Port and I urge you to grant the necessary permit for the Bayport project.

Very truly yours, [Signature]

DP 11734

MAR 12 2002

03-04-02

Mr. Kerry M. Stanley  
U.S. Army Corp of Engineers  
Regulatory Branch  
P.O. Box 1229 Galveston Tx. 7755  
1229

AN

Dear Mr. Stanley

6-110  
The port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousand of area residence.

29-30  
I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project

Yours Truly  
Mr. R. Wayne Parish  
I.L. # Local #28  
Houston TX 77051

MAR 12 2002

3-4-02

DP 11735  
AV

MR. KERRY M. STANLEY  
U.S. ARMY CORPS OF ENGINEERS  
GALVESTON DISTRICT  
REGULATORY BRANCH  
P.O. Box 1229  
GALVESTON, TEXAS 77553-1229

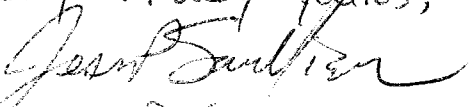
DEAR MR. STANLEY

6-110

THE PORT OF HOUSTON HAS PLAYED A VITAL ROLE  
IN THE TEXAS REGIONAL ECONOMY OVER  
THE LAST 90 YEARS. THE BAYPORT TERMINAL  
PROJECT IS CRITICAL TO THE CONTINUED  
SUCCESS OF THE PORT AND THE EMPLOYMENT OF  
THOUSANDS OF AREA RESIDENCE.

29-80

I AM ONE OF THOSE INDIVIDUALS WHOSE ECONOMIC  
SECURITY DEPENDS ON THE PORT AND I URGE  
YOU TO GRANT THE NECESSARY PERMIT FOR THE  
BAYPORT PROJECT.

VERY TRULY YOURS,  
  
JESSE P. SAN MIGUEL JR.

MAR 12 2002

MARCH 1, 2002

DP 11736  
AV

MR. KERRY M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Dear Mr. Stanley

6-110 [ The Port of Houston has played a vital role  
in the Texas regional economy over the last 90 years.  
The Bayport Terminal Project is critical  
to the continued success of the  
Port and the employment of thousands of area  
residents.

29-80 [ I am one of those individuals whose economic  
security depends on the Port and I urge you  
to grant the necessary permit for the Bay  
Project.

Very Truly Yours  
James Lee Love

**Holly House Gifts**

MAR 14 2002

228 East Third Street  
Deer Park, Texas 77536

Phone 281-479-1472

Fax 281-478-6591

DP 11737

AV

February 26, 2002

Mr. Kerry M. Stanley  
U. S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

Dear Mr. Stanley,

The Port of Houston has played a vital roll in the Texas regional economy over the last 90 years. The Bayport Terminal project is critical to the continued success of the port and the employment of thousands of area residence.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport project.

6-110

2980

Very truly yours,



Andrea L. Gibson, Owner  
Holly House Gifts

MAR 12 2002

DP 11738

AV

Deloyd Hill Jr  
1510 Grand Junction  
Katy Texas 77450

Mr. Harry M. Stanley  
U. S. Army Corps of Engineers  
Galveston Branch  
P. O. Box 1229  
Galveston, Texas 7753-1229

Dear Mr. Stanley

6-110  
The Port of Houston has played a vital  
role in the Texas regional economy over the  
last 90 years. The Bayport Terminal project  
is critical to the continued success of the  
port and the employment of thousands of area  
residence.

29-80  
I am one of those individuals whose  
economic security depends on the port and I  
urge you to grant the necessary permit for the  
Bayport project

Very truly yours,



I urge you to support the Bayport Terminal  
because it is vital to the continued  
success of the port of Houston and the  
Texas economy

Very truly yours

Orlando J. Gonzalez

---

MAR 18 2002

Trellis Moses  
4303 Littleberry Road  
Houston, TX 77088-6818

DP 11739

AV

March 4, 2002

Mr. Kerry M. Stanley,  
U. S. Army Corps of Engineers  
Galveston District, Regulatory Branch  
P O Box 1229  
Galveston, TX 77553-1229

Dear Mr. Stanley,

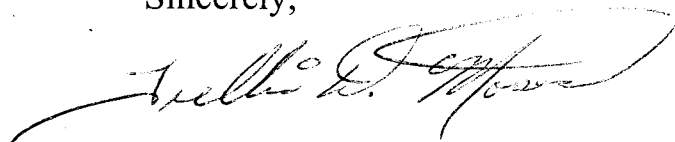
I have worked on the waterfront through I.L.A. #28 for 30 years, and have been able to earn a nice living for my family and myself. As you know, the Port of Houston has played a vital roll in the Texas regional economy, as well as that of the United States for the last 90 years. The Bayport Terminal Project is critical to the continued growth of Houston as a premier port in the shipping industry, and the job market and continued economic development of this area. This will impact thousands of workers here.

I am one of those individuals whose economic security depends on the port and I urge you to grant the necessary permit for the Bayport Project, and encourage and secure the economic growth of our community.

6-110

29-80

Sincerely,



Trellis Moses

DP 11740

mg

MAR 19 2002

HARVILL E. WELLER  
Attorney at Law  
17225 El Camino Real, Suite 190  
Houston, Texas 77058-2767

Board Certified  
Personal Injury Trial Law  
Texas Board of Legal Specialization

Phone: (281) 286-4900  
Fax: (281) 286-5070  
Email: hew@hwellerlaw.com

March 13, 2002

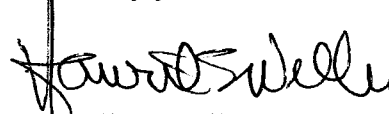
Mr. Kerry Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
Galveston District  
P. O. Box 1229  
Galveston, Texas 77553-1229

Re: COE Section 10/404 Permit Application 21520 - Port of Houston Authority's  
Proposed Bayport Channel Container/Cruise Terminal, Bayport Ship Channel

Dear Mr. Stanley:

Please substitute or supplement the attached letter which corrects typographical errors in the original letter filed today with your office. Thank you.

Sincerely yours,

  
Harvill E. Weller

HEW:dls  
Enclosure

HARVILL E. WELLER

Attorney at Law  
17225 El Camino Real, Suite 190  
Houston, Texas 77058-2767

MAR 13 2002

DP 11740  
117

Board Certified  
Personal Injury Trial Law  
Texas Board of Legal Specialization

Phone: (281) 286-4900  
Fax: (281) 286-5070  
Email: hew@hwellerlaw.com

March 13, 2002

Mr. Kerry Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
Galveston District  
P. O. Box 1229  
Galveston, Texas 77553-1229

Re: COE Section 10/404 Permit Application 21520 - Port of Houston Authority's  
Proposed Bayport Channel Container/Cruise Terminal, Bayport Ship Channel

Dear Mr. Stanley:

Enclosed for filing are:

- (1) Records from Texas General Land Office dealing with Bayport Container/Cruise Terminal;
- (2) Records from HGAC;
- (3) Records from U.S. Fish & Wildlife;
- (4) Correspondence dealing with my FOIA Requests to the Corps of Engineers;
- (5) Correspondence dealing with my Open Records Request to Port of Houston Authority;
- (6) I hereby adopt the entire jurisdictional record dealing with the permit application to ACOE for the Texas City/Shoal Point container facility;
- (7) A number of documents, primarily Port of Houston Authority records, dealing with the proposed Bayport container/cruise terminal.

(8) *Truck Safety Records,*

Please consider these as appendices to the filings by Galveston Bay Conservation and Preservation Association. These documents relate to GBCPA's earlier filings. These documents also raise a very serious question of predecisional bias by the Army Corps of Engineers for the Bayport location.

23-155

Mr. Kerry Stanley  
March 13, 2002  
Page 2

As early as March 25, 1998, in an inter-office memorandum the Port of Houston Authority stated:

The COE and the Resource Agencies already agree on the merit of the project and have expressed interest in assisting the PHA. . . . In summary, the PHA currently has the support of the COE and several Resource Agencies. The merits of the project speak for themselves; the environmental and community issues can and will be handled through mitigation and public awareness.

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The first pre-application meeting with the COE and Resource Agencies will be held on May 13 at 10:00 a.m. At this meeting, the PHA will present the Master Plan as we wish to permit it. . . . The public meetings will need to be held in June.

At the first public meeting with SEACAP on June 10, 1998, Port Authority Executive Director Tom Kornegay stated that this container/cruise facility was a "done deal" and that it was going to be built. Politicians with whom the undersigned has spoken, including former Houston City Councilman Rob Todd, Mayor of La Porte, Norman Malone, the former and current Mayors of El Lago, the current Mayor of Taylor Lake Village, Natalie O'Neill, and State Representative John Davis, who have all reported hearing from a variety of sources variations of these comments originally made by Tom Korengay on June 10, 1998.

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It is very evident that this project is critical to the future viability and growth of the Port of Houston. We believe that our proposed team, led by Dr. Bill Fehring, can compile a legally defensible EIS for the Corps of Engineers in a most efficient and cost-effective manner.

E-mails between Bill Fehring and Mark King and others, give further credence to the pre-decisional bias in favor of the permit. As of September 2, 1999, the Corps of Engineers began having joint meetings with URS and PHA to discuss such issues as reasonable

23-155

Mr. Kerry Stanley  
March 13, 2002  
Page 3

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On the alternatives identified as a tier two finalist was at Beltway 8. This tract is adjacent to the Beltway, approximately one mile south of I-10, across the ship channel from Highway 225 and intersected by rail. It is also immediately on the Houston Ship Channel. Over 900 acres is available for development. It is located in the heart of the industrial district with no residential areas close by. Yet, in the October 6, 1999, when the Beltway 8 site was being discussed as an option, meeting with COE, URS and PHA, the Port Authority announced, in the meeting, that it was purchasing part of the Beltway 8 site to provide it to the Corps as a disposal site. In a follow-up e-mail of October 12, 1999 from Fehring to King, Fehring points out ship maneuverability issues for the Beltway 8 site, "combined with ongoing development of the site for a disposal area" and suggests that it be dropped as an alternative. The Army Corps later did so.

In an October 14, 1999 memo from King to Fehring, King said the Corps expects that the PHA will provide the economic information (discussed by Tom Kornegay) that the container business will not drive the need for a 50 foot channel.

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Get the Port to provide estimated costs of redevelopment on each of these sites and use this discuss the non-practicability of these sites for meeting the basic purpose. . . . I am still working on what level of dredging would be a 'stopper' for other alternatives. We need to have the Port take a look at those alternatives and provide an estimated cost of dredging.

→ At this stage, it appears clear the PHA, ACOE and URS are all working together as a team on behalf of the Bayport location.

23-155

By December 20, 1999, the Port Authority felt comfortable enough in their situation to award \$1,725,000 for additional program management services to Bayport Container Terminal Phase IA,. This was in addition to the \$6.1 million earlier awarded to CH2MHill for program management services for the Bayport Container Terminal Phase IA. The Port Commission also awarded the contract of \$415,000 to Geotest Engineering for geotechnical services for dredging wharf foundations and bulkheads for Phase 1A of the Bayport Container Terminal permit in 1999,

Mr. Kerry Stanley  
March 13, 2002  
Page 4

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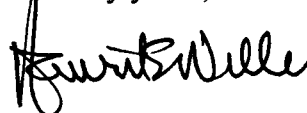
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The undersigned has continually sought the Origin and Destination Study. Only a portion of this study was produced in the DEIS. The Army Corps of Engineers has not produced the entire study. It was not until HGAC produced its records that the complete O&D study became available, one day before the comment deadline. Of interest, this study shows that 62% of the goods that arrive at Barbour's Cut are destined for locations outside of Harris County.

It is believed that additional documents, to be discovered later, should further buttress this strong case of predecisional bias.

] 23-155

Sincerely yours,



Harvill E. Weller

HEW:dls  
Enclosures

MAR 19 2002

HARVILL E. WELLER  
Attorney at Law  
17225 El Camino Real, Suite 190  
Houston, Texas 77058-2767

11740

Board Certified  
Personal Injury Trial Law  
Texas Board of Legal Specialization

Phone: (281) 286-4900  
Fax: (281) 286-5070  
Email: hew@hwellerlaw.com

March 13, 2002

Mr. Kerry Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
Galveston District  
P. O. Box 1229  
Galveston, Texas 77553-1229

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Mr. Kerry Stanley  
March 13, 2002  
Page 2

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Mr. Kerry Stanley  
March 13, 2002  
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Mr. Kerry Stanley  
March 13, 2002  
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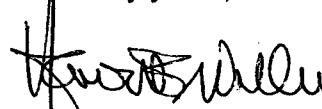
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Sincerely yours,



Harvill E. Weller

HEW:dls  
Enclosures

APR 02 2002

UP 11744

PG

March 11, 2002

Mr. Kerry Stanley  
U. S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

Re: DEIS for the Proposed Bayport Project

Dear Mr. Stanley:

[I wish to notify you of my strong support of the DEIS produced by the Corps of Engineers covering the proposed Bayport Terminal Project.] 29-56

I'm currently employed in the marine cargo handling industry which includes working on both container and passenger operations.

[Currently there is a critical need for new facilities to efficiently handle 1-28 both current and projected work in the maritime industry in Houston and Harris County.] [Additional modern space is needed as soon as possible if current maritime companies are to make the needed 1-30 investments in this region in order to retain current work and meet our regions future needs.]

[The DEIS fully covers all issues of concern and it is clear that the Bayport Project will meet our regions maritime needs while at the same time not having a significant negative impact on the area. I also believe concerns involving environmental issues such as air quality, storm water runoff, water quality, noise, lighting, traffic and wetlands have been properly addressed and resolved.] 29-69

[The Bayport site is excellent in that it is properly located in a commercial/industrial area which will meet the needs of both vessels and shippers.] [No residential areas will have to be bought out.] [The DEIS shows that alternative sites have been properly considered and are not feasible.] 2-117 5-29 2-72

DP 11744  
PG

[It is clear that the Proposed Bayport Project is needed to protect both current and future middle-class jobs in the maritime industry as well as other middle-class jobs in industries throughout the Houston-Galveston region. It is also clear that the Proposed Bayport Project will generate needed middle-class jobs for new workers and help provide for the regions growth and a better quality of life.] 6-107

[I wish to request that the Corps of Engineers complete the Final Environmental Impact Statement as quickly as possible since all essential matters have been properly addressed and permit construction on the Proposed Bayport Project to begin based on the current Corps of Engineers timeframe.] 23-83

Sincerely, ~~FROM:~~ *Harland E. Boone*  
*I.L.A. 24*  
*Position 24*

MAR 29 2002  
MAR 29 2002

March 16, 2002

DP 11745

PG

Mr. Kerry Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

Re: Comments on Permit Application for Bayport Container Facility

Dear Mr. Stanley,

Greetings! We would like to submit the following proclamation into the public record regarding the Bayport Expansion Project.

## Proclamation Regarding The Proposed Bayport Expansion Project

[Whereas, the Proposed Bayport Expansion will introduce significant air pollution in the form of fine particle pollutants (PM2.5) and Hazardous Air Pollutants (HAP's) from diesel exhaust, as well as increasing Nitrous Oxide (NOx) and Volatile Organic Compounds (VOC's) in the already over polluted region of Southeast Harris County] and

7-1

[Whereas, the Proposed Bayport Expansion will introduce significant water pollution from stormwater runoff on site into Galveston Bay, as well as off site from truck traffic over Armand and Taylor Bayous], and

9-3

[Whereas, the Proposed Bayport Expansion will reduce the wetland acreage by significantly more than the three acres required for a 404B.1 analysis under the Clean Water Act] and

14-39

[Whereas, the Proposed Bayport Expansion will negatively affect the oyster population in Galveston Bay by increasing water salinity when the channel is dredged to -50 ft], and

9-15

[Whereas, the health, safety and welfare of tens of thousands of citizens are impacted by the permitting of the Proposed Bayport Expansion,]

22-140

[We respectfully request that the U.S. Army Corps of Engineers relocate the Proposed Bayport Expansion to an alternative site.]

2-17

Printed Name	Signature	Address
1 Matt Tuffe	Matt Tuffe	4014 Ted Fernct
2 Cameron Dupre	Cameron Dupre	10814
3		
4 Brandon Jennings	Brandon Z Jennings	16315 millpoint
5		
6 Ben Newman	Ben Newman	16035 Manor Square
7		
8		
9		
10 JOSEPH DWYER	Joseph Dwyer	3100 CREEK BEND Dr
11		
12		
13 FRANKS		
14		
15		
16 Ben Dwyer	Ben Dwyer	3100 Creek Bend Dr
17 Chadd Pierson	Chadd Pierson	16139 WhiteStar Dr.

	Printed Name	Signature	Address
18			
19			
20			
21			
22			
23			
24			
25	Cynthia Turrie	Cynthia Turrie	4014 Teal Fern Court Houston
26	Donald Thomas	Donald Thomas	1651 Neptune, Houston 77062
27	Sharon Rector	Sharon Rector	4019 Village Corner Dr. Houston TX
28	Donna Whadlow	Donna Whadlow	4435 Pleasant Trace Dr 77059
29	Gloria Gendy	Gloria Gendy	3102 Mossy Elm Ct 770
30	Mary Germele	Mary Germele	17915 Radstock 77062
31	Christopher Vu	Christopher Vu	4251 Noble Oak Trail 7705
32	Patrick Flanagan	Patrick Flanagan	4711 St. Lawrence Dr.
33	LIEN EIFERT	Lien Eifert	3210 Oak Links Ave, Hunt 7705
34	Donald Lefebvre	Donald Lefebvre	319 Capehill The Dr.
	<del>John Lefebvre</del>	<del>John Lefebvre</del>	<del></del>
35	David West	David West	9602 W. Pine Brook way
36	Kristen A. Bryson	KRISTEN BRYSON	4015 N. DAWN CYPRESS
37	Bruce Feltie	Bruce Feltie	4014 Teal Fern Ct



PAPPAS BAR-B-Q  
DOT COFFEE SHOP  
C&H STEAK COMPANY  
PAPPAS BROS. STEAKHOUSE



MAR 29 2002 LP 11746 PG

PAPPASITO'S CANTINA  
PAPPAS SEAFOOD HOUSE  
PAPPAMIA ITALIAN KITCHEN  
PAPPADEAUX SEAFOOD KITCHEN

March 25, 2002

Colonel Leonard D. Waterworth  
District Engineer and Commanding Officer  
U.S. Army Corps of Engineers, Galveston District  
P.O. Box 1229  
Galveston, TX 77553-1229

Dear Colonel Waterworth:

[As Chief Executive Officer of Pappas Restaurants, Inc., I want to communicate to you my full support of the building of the Bayport Cruise and Container Terminal by the Port of Houston Authority without further delay.] 29-77

[The Port of Houston is a major piece of the economy of Texas. And its continued growth and success are vital not only to Houston and Texas, but to the entire country.] 1-32

[Our company depends on the Port of Houston as many of our products, goods and supplies are delivered or sent through the Port, with a growing amount being transported in containers. It is clear that this mode of transportation is going to increase in the future. Help make sure we are ready to meet the challenge of new marketplaces and opportunities.] 1-37

The Corps has done an outstanding job in studying the environmental, economic and social impacts that this facility would have on the region. [I believe your study, which was thorough and well-documented, does lead to the strong conclusion that Bayport is the best location, has the right infrastructure to be environmentally sound, and will be successful in its economic impact, including additional tax revenues.] 2-85

Again, the Corps' Environmental Impact Statement stands on its merits. [This project stands on its merits. It is time to move ahead.] 29-70

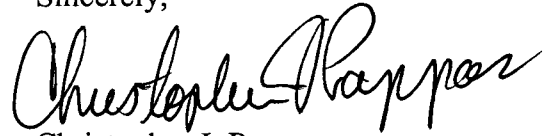
Please do not hesitate to contact me if you would like to discuss this further. [My support, and the support of this company, is fully behind the study

March 25, 2002  
Page Two

DP 11746  
pe

which the Corps has completed and we enthusiastically endorse the Bayport 29-77 project.]

Sincerely,



Christopher J. Pappas  
Chief Executive Officer

CJP/tg

cc: Kerry Stanley, U.S. Army Corps of Engineers  
James T. Edmonds, Chairman Houston Port Authority

APR 11 2002

4/10/02

DP 11747 PG

To: Kerry Stanley  
US Army Corp of Engineers  
P.O. Box 1229  
Galveston, Texas 77553

From: Steve Vacker  
122 Cedar Lane  
Taylor Lake Village, Texas 77586

Re: Proposed Bayport Terminal

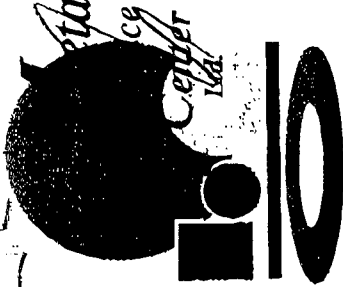
Dear Mr. Stanley,

I live in the area where the Bayport terminal may be located. [I am very concerned about the added truck traffic, increased pollution, noise, environmental damage and negative impact on property value that this proposed location will cause.] [There are much better locations available that will not affect our quiet neighborhoods.] [The people who live in the area are committed to keep fighting this site and the constant litigation will make this site a bad deal for the state.] [The other proposed sites are areas that are not as populated and need the economic boost more than the one near our neighborhood.]

18-2  
2-4  
22-141  
2-3

Sincerely,

  
Steve Vacker



Metaltech

Fax 409-746-6301

DP 11748

PG

Stainless & Specialty Alloy Steels

9915 Monroe • Houston, Texas • 77075

PR: 713-994-5100 • Fax: 713-994-7565

Mr Kerry M. Stanley,

I LIVE ON SWIRLZ & I  
AM DEVIATED BY THE INFORMATION  
YOU SENT.

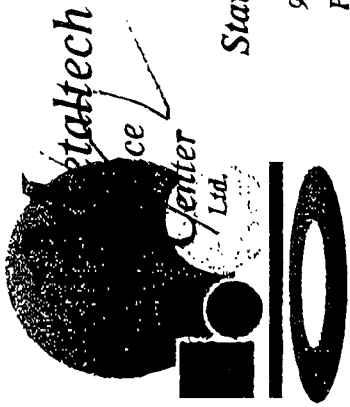
FOR THE FIRST TIME IN MY  
LIFE I BOUGHT A HOME. COULD  
NOT BELIEVE THE BEAUTY OF THIS  
LITTLE NEIGHBORHOOD.

I'M BEGINNING TO KNOW HOW  
THE INDIANS FELT.

SO LIKE A GOOD INDIAN I  
WANT TO DO WHAT'S BEST TO  
SAVE WHAT I HAVE.

[THE ONLY WAY I SEE, IS  
W/ A MUCH BIGGER BERM 3-40  
& MANY MORE TREES. @ [EAST  
40 FEET + HIGH.]

Scale: 1 inch = 1 foot



Stainless & Specialty Alloy Steels  
9915 Monroe • Houston, Texas 77075  
Ph: 713-991-5100 • Fax: 713-991-7565

0111748

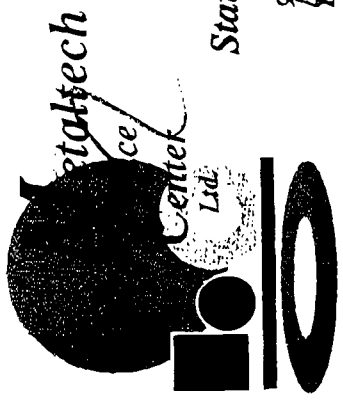
PC

FOR STORE ACRES I ONLY  
SEE A WALL. PLEASE FAX  
OR MAIL MORE ABOUT WHAT  
CAN BE DONE ABOUT THE  
LIGHTS & NOISE.

HOW CAN I TAKE MY  
BEAUTIFUL NIGHTS WALK  
ALONG THE BAY? & NOT FEEL  
VIOLATED BY THE PEOPLE  
BEHIND ALL THIS.

I'VE BEEN AHEAD OF ALL  
THIS BUILDUP AS A FABRICATION  
SALESMAN TO THE CHEMICAL PLANTS  
UP & DOWN THE CHANNEL & AROUND.

Scale: 1 inch = 1 Foot



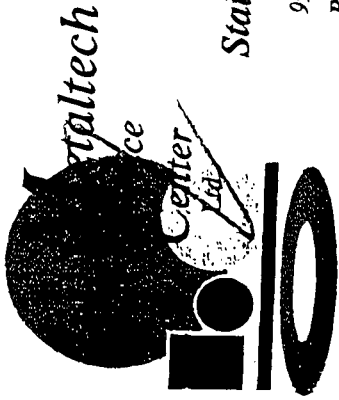
0111748

Stainless & Specialty Alloy Steels  
9915 Monroe • Houston, Texas • 77045  
Ph: 713-991-5100 • Fax: 713-991-7565

So I can't point anywhere  
Back @ me.

The most disturbing  
thing is the, the blatant  
falseness of the drawings  
you just sent me - &  
attempting to say in  
effect that this will  
solve the problem.

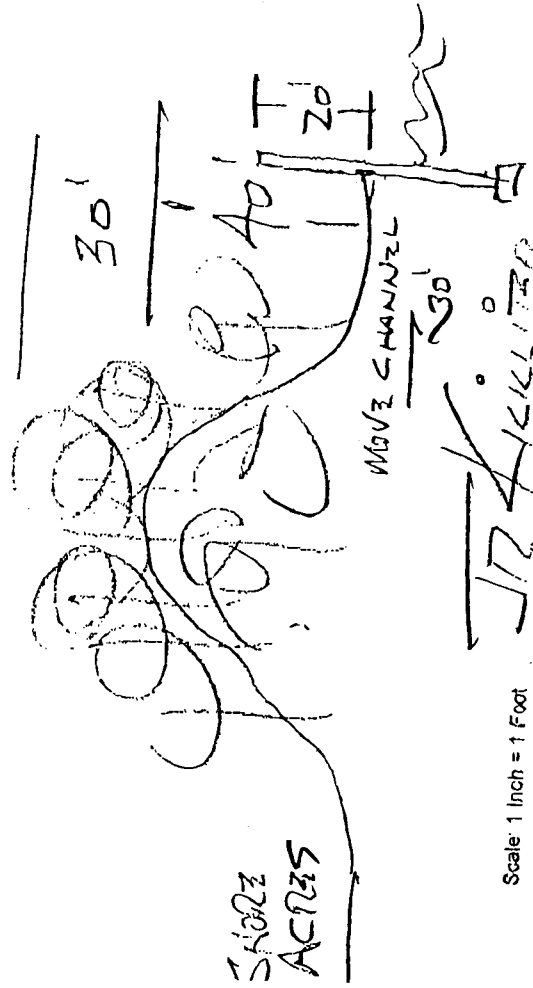
But the idea is  
good. But the design 17-2  
is so primarily inadequate  
that I'm angry.]



Metaltech Office Center, Inc.  
 11748 PG

Stainless & Specialty Alloy Steels  
 9915 Montrose • Houston, Texas • 77075  
 Ph: 713-991-5100 • Fax: 713-991-7565

BUT I/your  
 SINCERE ABOUT WORKING  
 W/ THE PEOPLE THAT LIVE  
 HERE, THAT'S WHERE  
 I WOULD LIKE TO BE  
 INVOLVED.



Scale: 1 inch = 1 foot

James B. Blackburn, Jr.  
Mary W. Carter  
Richard R. Morrison, IV

DP11754  
MS

2900 Wesleyan, Suite 400  
Houston, Texas 77027  
Telephone (713) 524-1012  
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March 12, 2002

*Via Hand Delivery*

Mr. Kerry Stanley  
Regulatory Branch  
U.S. Army Corps of Engineers Galveston District  
2000 Fort Point Road  
Galveston, Texas 77553

RE: Delivery of Comments Regarding Bayport DEIS

Dear Mr. Stanley:

We are hand delivering our comments regarding the Bayport DEIS and the public interest review of the Port of Houston's proposed Bayport container port. You or an authorized person for the Corps of Engineers are asked to sign for receipt of these comments.

The comments are compiled as follows. The main body of the comments are contained in two three-ring binders and include the following:

1. GBCPA Summary of Comments, including notes regarding the Geographic Information System (GIS), incorporation by reference and issues of malfeasance.
2. Comments Regarding Need and Purpose of the Project
3. Comments Regarding the Land Use History of the Site including expert report by Harvill Weller
4. Comments Regarding Transportation Including GBCPA Detailed Comments and expert report by Lee Engineering
5. Comments Regarding Air Quality including GBCPA detailed comments, expert reports by Dr. Matt Fraser, Michael Hunt, P.E. and Dr. Michael Kleinman (two separate reports)
6. Comments Regarding Noise, including GBCPA detailed comments and expert report of Arno Bommer of CSTI
7. Comments Regarding Land Use including expert report by Lydia Jemison
8. Comments Regarding Cumulative Land Use Impacts including expert report by Peter Brown
9. Comments Regarding Environmental Justice including expert report by Juan Parras and Brian Pietruzewski
10. Comments Regarding Socio-economic Impacts including GBCPA comments
11. Comments Regarding Wetlands Analysis including expert report by Dr. John Jacob and Larry Dunbar, P.E.
12. Comments Regarding 50-Foot Channel Deepening
13. Comments Regarding Impacts to the Aquatic Environment including 5 sections written by GBCPA and an expert report by Dr. Robert McFarlane
14. Comments Regarding Analysis of Alternatives including expert report by Dr. Polly Ledvina



In addition to these comments, there are several volumes of appendices containing the following material:

**I. No Appendix**

**II. No Appendix**

**III. Port Authority Plans Disregard the History of Bayport Channel as part of a carefully planned community (Volume 1)**

- Exhibit III-1 Port Authority document, "Bayport Port Chronology - Short Version," circa 1998;
- Exhibit III-2 Basic Agreement between Humble Oil & Refining Company (later Exxon) and Harris County Houston Ship Channel Navigation District (Port of Houston Authority) dated July 1, 1964;
- Exhibit III-3 Humble Land Development Division (later Friendswood Development Company) brochure entitled, "The Story of Bayport," produced 1964-1965;
- Exhibit III-4 Humble Oil & Refining Company (later Exxon) brochure entitled, "Bayport: Nation's Most Carefully Planned Industrial Complex," produced 1964-1965;
- Exhibit III-5 Operating Agreement between Humble and Port Authority concerning the port facility at Bayport, dated July 1, 1964;
- Exhibit III-6 Lease Agreement between Humble and the Port of Houston Authority dealing with the port facility at Bayport, dated July 1, 1964;
- Exhibit III-7 Master Plan for port development at Bayport, Exhibit A to the Basic Agreement at Exhibit 2;
- Exhibit III-8 Deed of 720 acres from Humble Oil & Refining Company to the Port of Houston Authority, made subject to the Basic Agreement, Exhibit 2, and dated July 1, 1964;
- Exhibit III-9 Master Plan drawings of 1964 and 1967 for the port facility at Bayport;
- Exhibit III-10 Port of Houston Authority memo from Executive Director to the Chairman, dated January 26, 1973;
- Exhibit III-10A Port of Houston Authority inter-office memo from R. P. Leach to J. P. Turner, dated November 23, 1970;

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- Exhibit III-11 Letter from T. R. Wussow of Friendswood Development Company to the Port of Houston Authority Executive Director, dated September 10, 1990;
- Exhibit III-12 Port of Houston Authority memo entitled, "The Bayport Project," circa 1988;
- Exhibit III-13 "Environmental Standards Bayport Industrial Area," dated June 11, 1964;
- Exhibit III-14 "Environmental Standards of Bayport Industrial Area," dated May 12, 1965;
- Exhibit III-15 Humble brochure artist's rendition of Bayport Industrial District, dated 1964-1965;
- Exhibit III-16 Basic Agreement Amendment between Friendswood Development Company and the Port of Houston Authority, dated December 3, 1971, and September 5, 1972;
- Exhibit III-17 211 acre grant by Port of Houston Authority to Friendswood Development Company, dated October 27, 1972;
- Exhibit III-18 172 acre grant by Friendswood Development Company to the Port of Houston Authority, dated October 27, 1972;
- Exhibit III-19 Port of Houston Authority records reflecting acquisition of approximately 56 acres of property between 1972 and 1975 along the proposed Bayport ship channel;
- Exhibit III-20 Port of Houston Authority request for authorizing the purchase of privately owned land south of the Bayport ship channel, dated December 9, 1985;
- Exhibit III-21 Amended Master Plan for the development of the port facility at Bayport, dated 1972;
- Exhibit III-22 Letter from Galveston Bay Conservation & Preservation Association to Commissioner Tom Bass, dated June 18, 1976, with attached map and March 1976 newsletter;
- Exhibit III-22A Letter from Port Authority Executive Director to Corps of Engineers about citizen concerns re: expansion close to Shoreacres, dated July 7, 1975;
- Exhibit III-23 Houston Post newspaper article entitled, "Bayport Development Plans Rapped," dated November 5, 1977;
- Exhibit III-24 Friendswood Development Company cover letter re: "Revision - Bayport Realtor Communication Brochure" to Port Authority Executive Director, dated March 26, 1972, with Annual Hi Lites Friendswood Development Company brochure for 1971-1972;
- Exhibit III-25 Friendswood Development Company brochure entitled, "Bayport: A Carefully Planned Industrial Complex Near Houston, Texas," addressed to Port of Houston Authority (POR05922);

### **III. Port Authority Plans Disregard the History of Bayport Channel as part of a carefully planned community (Volume 2)**

- Exhibit III-26 Houston Chronicle newspaper article entitled, "Major Seaport to Be Finished Within Two Years," dated December 15, 1971;
- Exhibit III-27 Humble in Houston Magazine article entitled, "Friendswood, Port of Houston Announce Deep Water Project," dated January 1972;
- Exhibit III-28 Port of Houston magazine article entitled, "Industrial Expansion In Bayport Moves Ahead As Deep Channel is Dredged," dated June 1973;
- Exhibit III-29 Houston Chronicle newspaper article entitled, "Bayport Growth Boom Rolls On," dated January 12, 1975;
- Exhibit III-30 Port of Houston Magazine entitled, "We Are Pleased To Announce The Birth Of A Splashing New 40-Foot Deep Port," dated June 1974.
- Exhibit III-31 Plat of Bayport II area with tract reference numbers;
- Exhibit III-32 Bayport Terminal Complex planning and analysis drawing, "Opportunities and Constraints" showing relevant acreage and property owners, dated 11/5/97;
- Exhibit III-33 Deeds tracing transfer of ownership from Friendswood Development Company to American Hoechst Corporation to Fina of tracts 71 and 72 at Bayport II;
- Exhibit III-34 Deeds of transfer of ownership from Friendswood Development Company to MAT Corporation to American Acryl of tracts 28, 92 and 93 at Bayport II;
- Exhibit III-35 Letter from Port Authority Executive Director to Army Corps of Engineers announcing attempt to acquire 500 acres, with an option on 108 acres, in Bayport Industrial District as an upland dredge material storage facility and seeking the avoidance of a permit, with attached map, dated October 9, 1992;
- Exhibit III-36 Houston Chronicle article entitled, "Port to Buy Land From Schnitzers," dated July 23, 1992;
- Exhibit III-36ANUS Corporation letter to Port of Houston Authority, Director of Engineering, concerning analysis of sediment from Bayport Ship Channel, dated September 21, 1981;
- Exhibit III-36B Letters from Texas Water Commission to Corps of Engineers regarding contaminants in Bayport Ship Channel, dated May 4, 1988 and April 29, 1988;

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Exhibit III-36C Letter from Texas Parks & Wildlife Department to Corps of Engineers regarding contaminated sediments found in Bayport Ship Channel, dated May 16, 1989;

Exhibit III-36D Letter from Port Authority Environmental Affairs Manager to Army Corps of Engineers regarding proper placement of dredge material from Bayport Ship Channel, dated June 22, 1989;

Exhibit III-37 Deeds granting 608 acres from tracts 69 and 68 of Bayport II from Friendswood Development Company to K-J Texas Development Limited Partnership to Port of Houston Authority;

Exhibit III-38 City of Seabrook zoning map, dated May 16, 2000;

Exhibit III-38A Bayport Terminal Complex Planning and Analysis Meeting dealing with light industrial and residential zoning in Seabrook, dated August 7, 1997;

Exhibit III-38B City of Seabrook Comprehensive Zoning Sections 1.01-3.15, effective May 4, 1993;

Exhibit III-39 Amendment to Earnest Money Contract between K-J Texas Development Limited Partnership and Port of Houston Authority re: seller to utilize 91 acres out of the land presently zoned residential by the City of Seabrook to mitigate any wetlands on the remaining land, dated January 27, 1993;

Exhibit III-40 Mayor, Day, Caldwell & Keeton cover letter and memo to Port of Houston Authority regarding restrictive covenants encumbering the property of 500 acres of Bayport II, dated November 16 and 19, 1992;

Exhibit III-41 Port Authority inter-office memorandum regarding environmental restrictions at Bayport, dated April 16, 1993;

Exhibit III-42 Mayor, Day, Caldwell & Keeton letter to Tom Wussow, Friendswood Development Company, regarding intended use of 608 acres by Port Authority, together with waiver of restrictions on the entire acreage, dated April 22, 1993 and April 27, 1993;

Exhibit III-43 Friendswood Development Company letter to Kenneth Schnitzer re: limited waiver on 608 acres for dredge disposal facility, while retaining the Bayport Environmental Standards, dated April 12 and 13, 1993, together with a letter from Mayor, Day & Caldwell to Port of Houston Authority asking if this limited waiver is sufficient, dated April 15, 1993;

Exhibit III-44 Deeds from K-J Texas Development Limited Partnership to Port of Houston Authority transferring 500 acres, 61.7 acres, and 46.2 acres, subject to deed restrictions, dated April 23, 1993;

- Exhibit III-45 Houston Chronicle article entitled, "Port Okay's \$1.56 Million for Firm to Plan Bayport," dated July 29, 1997, together with recommendation for Commission approval for professional services contract, July 28, 1997;
- Exhibit III-46 Memorandum from Executive Director to Port Authority Commissioners advising that Friendswood gave the Port Authority a tract comparable to Barbour's Cut, dated April 1, 1985;
- Exhibit III-47 Bayport Terminal Complex Initial Data Report from consultant engineers to the Port Authority, circa 1997;
- Exhibit III-48 Port Authority brochure for Barbour's Cut container terminal; circa 2001;
- Exhibit III-49 Friendswood Development Company/Port Authority 1981 Master Plan drawing for port facilities at Bayport;
- Exhibit III-50 Consulting Engineers' Report entitled, "Concepts and Criteria for Bayport Container Terminal Access," discussing rail alignment north of Port Road, circa summer of 1997;
- Exhibit III-51 Agenda for Bayport Container Terminal Conceptual Planning and Analysis Meeting with attachment showing container terminal location and rail lines north of Port Road, dated August 7, 1997;
- Exhibit III-52 Bayport Terminal Complex drawing of container facility and cruise terminal, dated October 30, 1997, together with Bayport Terminal Complex drawing depicting acreage at key locations in Bayport II, dated December 5, 1997;
- Exhibit III-52A Bayport Terminal Complex Planning and Analysis drawing showing proposed railroad plan north of Port Road, circa summer of 1997;
- Exhibit III-52B Memo from Barbour's Cut Terminal Manager to Dan Johnson with drawings of container terminal north of Port Road, dated November 12, 1997;
- Exhibit III-53 Bayport Terminal Complex Planning and Analysis Conceptual Master Plan, utilizing 1,174 acres and submitted with the revised application to Army Corps of Engineers, dated October 2000;
- Exhibit III-54 Bayport Terminal Complex Planning and Analysis Drawing showing rail and container storage south of Port Road, dated December 8, 1997;
- Exhibit III-55 Bayport Terminal Complex Planning and Analysis Drawing, utilizing 1,050 to 1,140 acres for Conceptual Master Plan, dated May 18, 1998;
- Exhibit III-56 Turner, Collie & Braden memo regarding SEACAP public meeting on Bayport Terminal Master Plan, attended by Port Authority representatives and 50 individuals

living in the area of Bayport Industrial Park, listing questions and answers, dated June 23, 1998;

Exhibit III-57 Turner, Collie & Braden memo to Port Authority summarizing comments from September 26, 1998 public workshop, dated October 7, 1998

Exhibit III-58 Minutes of Port Commission Meeting awarding a professional service contract to Turner, Collie & Braden to provide assistance in obtaining U.S. Army Corps of Engineers permits for Bayport property, dated March 30, 1998;

Exhibit III-59 Minutes of Association of Bayport Companies Board of Directors Meeting, attended by Port Authority Executive Director, Tom Kornegay, regarding ABC concerns over the proposed Bayport terminal expansion, dated September 15, 1999;

Exhibit III-60 Clear Lake City area map depicting Clear Lake City, Bayport Industrial District, and residential areas developed or to be developed, dated February 1977;

Exhibit III-61 Seabrook Wetland Conservation Plan prepared by Houston-Galveston Area Council, dated September 2000.

#### **IV. Transportation**

Exhibit IV-A Highway Capacity Manual 2000, Chapter 16 -Signalized Intersections

Exhibit IV-B Bayport Container Terminal Access Study - Port of Houston Authority, Bayport Terminal Complex, Houston, Texas, Nathelyne A. Kennedy & Associates (4 of 8)

Exhibit IV-C1 Letter, Steven H. DeWolf, PHA, to Leon Connor, American Acryl, dated August 24, 1998.

Exhibit IV-C2 Letter from William Kraus, American Acryl, to Steven H. DeWolf, PHA, dated October 9, 1998.

Exhibit IV-C3 Letter, Steven H. DeWolf, PHA, to Leon Connor, American Acryl, dated October 21, 1998.

Exhibit IV-C4 Letter, James B. Jackson, PHA, to Leon Connor, American Acryl, dated February 8, 1999.

Exhibit IV-C5 Letter, H. T. Kornegay, PHA, to William H. Kraus, American Acryl, dated February 8, 1999.

Exhibit IV-C6 Letter, H. T. Kornegay, PHA, to Billy Hayes, Southwest Chemical Services, dated February 24, 1999.

- Exhibit IV-C7 Letter, Darrell E. Bailey, Fina, to James B. Jackson, PHA, dated September 17, 1998.
- Exhibit IV-C8 Letter, Pamela S. Smith, Fina, to Steven H. DeWolf, PHA, dated November 17, 1998.
- Exhibit IV-C9 Letter, Joe Thayer, LBC Petro United, to Dickie Dismuke, Southwest Chemical, dated February 18, 1999.
- Exhibit IV-C10 Letter, Jesse Casbeer, Railroad Engineering and Consulting, to Steven H. DeWolf, PHA, dated May 27, 1999.
- Exhibit IV-C11 Opportunities and Constraints - A map of property and right of way near the Port Rd/Bayport Marine Terminal Jordon Woodman Dobson, 1/13/98.
- Exhibit IV-C12 Southern Road and Rail Access to the Bayport Marine Terminal Rail Operations Plan, Arrival/Departure Tracks Jordan Woodman Dobson, 6/98.
- Exhibit IV-C13 Memo, Laura Fiffick, PHA, to Ted Walters, PHA, dated April 17, 1998.
- Exhibit IV-C14 Excerpts from Bayport Master Plan Volume 4 - Access Study Nathelyne A. Kennedy and Associates, May 1998.
- Exhibit IV-C15 Bayport Marine Terminal Rail Operations Plan and Five Operational Scenario after the "Northern Access" had been removed (11 sheets) Jordan Woodman Dobson, 6/98.
- Exhibit IV-C16 GBCPA diagram detailing a reasonably foreseeable SJR connection to Bayport Marine Terminal.
- Exhibit IV-C17 Cover photo from PHA Bayport brochure showing curved rail tracks.
- Exhibit IV-C18 The original PHA Army Department permit application diagram from October 1998.
- Exhibit IV-C19 The revised PHA Army Department permit application diagram from October 2000.
- Exhibit IV-C20 The current PHA Army Department permit application diagram, revised in October 2001.
- Exhibit IV-C21 Documents and maps pertaining to PHA's attempts to design rail access and a rail yard within the city limits of Seabrook.. (see attached Appendix 4.1-22)

- a. Fax, Daniel J. Johnson, Jordan Woodman Dobson, to William Wachel, PHA, dated July 1, 1998
- b. Draft Jordan Woodman Dobson presentation on Analysis of Alternate Rail Options dated April 22, 1999
- c. Fax, Daniel J. Johnson, Jordan Woodman Dobson, to James Jackson, PHA, dated April 22, 1999
- d. Bayport Rail Options Study for PHA, Jordan Woodman Dobson, April 26, 1999
- e. Bayport Terminal Masterplan Rail Study, Meeting #3 packet, August 12, 1999
- f. Conceptual Rail Layout, Railyard Alternative 5, Mainline connection alternatives A, B, C, and D. August 12, 1999.
- g. Letter H.T. Kornegay, PHA, to Robert Robinson, Mayor Seabrook, dated August 19, 1999
- h. Fax, Dough Sethness, C1HM Hill, to Steve DeWolf, PHA, dated September 9, 1999
- i. JWD preliminary plan showing rail alternative detail attempting to avoid Seabrook city limits, dated September 10, 1999
- j. Conceptual Rail Layout, Railyard Alternative, 1, 2, 3, 4, 5, 6, 8, 9, and 10, Jordan Woodman Dobson, July 14, 1999

Exhibit IV-C22 Main line Connection Alternative D, Rail Yard Development JWD/Moffat and Nichol, July 14, 1999.

Exhibit IV-C23 Conceptual Layout, Mail line Connection Alternative D, JWD/Moffat and Nichol, July 14, 1999.

Exhibit IV-D Galveston Bay Drayage Issues, compiled for the City of TexasCity (Exhibit 6)

Exhibit IV-E Bayport Container Terminal Analysis Reports - Port of Houston Authority, Bayport Terminal Complex, Houston, Texas, Jordan Woodman Dobson (3 of 8)

Exhibit IV-F Port of Houston Authority Capacity and Grade Separation Projects Submitted to the 2025 Metropolitan Transportation Plan



**V. Air Quality (Vol. 1 of 4)**

- A. EPA Air Quality Criteria for Particulate Matter, Vol. I (Draft)
- B. EPA Air Quality Criteria for Particulate Matter, Vol. II (Draft); Chapters 1-7

**V. Air Quality (Vol. 2 of 4)**

- C. EPA Air Quality Criteria for Particulate Matter, Vol. II (Draft); Chapters 8-end
- D. Diesel Engines: Environmental Impact and Control, Alan C. Lloyd and Tom A. Cackette, California Air Resources Board (presentation slides).
- E. California Air Resources Board - Review of the California Ambient Air Quality Standards for Particulate Matter and Sulfates, Report to the Air Quality Advisory Committee (November 30, 2001), Executive Summary
- F.
  - 1. California Air Resources Board - Findings of the Scientific Review Panel on The Report on Diesel Exhaust (as adopted April 22, 1998).
  - 2. California Air Resources Board Final Health Risk Assessment for Diesel Exhaust (May 1998), Executive Summary
- G. Peak Daily Emissions from Port of Long Beach EIS and American Acryl Permit Application.
- H. Full text of Epidemiological Studies referenced in Vedal, S. (1997), "Ambient particles and health: lines that divide," Journal of the Air and Waste Management Association, Volume 47, pp. 551-581
  - 1. Short Term Effects of Air Pollution on Daily Mortality in Athens, Greece - a time series analysis within the APHEA project by G. Touloumni, E. Samoli, K. Katsouyanni
  - 2. Air Pollution and Daily Mortality in Residential Areas of Beijing, China, Xiping XU, Douglas W. Dockery, Archives of Environmental Health, July/August 1994 Vol. 49 (No. 4)
  - 3. Effect of Outdoor Airborne Particulate Matter on Daily Death Counts, Patricia Styer, et al, Environmental Health Perspectives, Vol. 103, Number 5, May 1995
  - 4. Short term effect of air pollution on mortality in Polish urban populations - what is different?, Bogdan Wojtyniak, Tomasz Piekarski, Journal of Epidemiology and Community Health 1996; 50(Suppl. 1): S36-S41

5. Particulate Air Pollution and Daily Mortality in Detroit, Joel Schwartz, *Environmental Research* 56, 204-213 (March 1991)
6. Air Pollution and Daily Mortality: Associations with Particulates and Acid Aerosols, Douglas W. Dockery, Joel Schwartz and John D. Spengler, *Environmental Research*, 59, 362-373 (January 10, 1992)
7. Short Term Effects of Air Pollution on Mortality in the City of Lyon, France, 1985-90, D. Zmirou, et. al., *Journal of Epidemiology and Community Health* 1996; 50(Suppl 1): S30-S35
8. Short Term Effects of Urban Air Pollution on Respiratory Health in Milan, Italy, 1980-89; M. A. Vigotti, et. al., *Journal of Epidemiology and Community Health* 1996, 50(Suppl. 1) S71-S75
9. Short Term Respiratory Health Effects of Ambient Air Pollution: Results of the APHEA Project in Paris; W. Dab, et. al.,
10. Air Pollution and Mortality in Elderly People: A Time-Series Study in Sao Paulo, Brazil; Paulo N. Saldiva, et. al., *Archives of Environmental Health*, March/April 1995 (Vol. 50 No. 2)
11. Daily Mortality and PM<sub>10</sub> Pollution in Utah Valley; Arden Pope III, June 1992 (Vol. 47 No. 3)

I. Diesel General and Summary Articles:

1. Mauderly, Joe L., "Current Assessment of the Carcinogenic Hazard of Diesel Exhaust." *Toxicological and Environmental Chemistry*, Vol. 49, pp. 167-180
2. Lloyd, Alan C. and Thomas A. Cackette, "Diesel Engines: Environmental Impact and Control," *Journal of the Air and Waste Management Association*, Vol. 51, pp. 809-847.
3. Mauderly, Joe L., "Diesel Exhaust" in *Environmental Toxicants - Human Exposures and their Health Effects*, Chapter 5, Van Nostrand Reinhold, New York, pp. 119-162 (1992)
4. Green, Gareth M. and Ann Y. Watson, "Relation Between Exposure to Diesel Emissions and Dose to the Lung," in *Diesel Exhaust: A Critical Analysis of Emissions, Exposure, and Health Effects*, Health Effects Institute, 1995
5. Jensen, Trescott E. and Ronald A. Hites, "Aromatic Diesel Emissions as a Function of Engine Conditions," *Analytic Chemistry*, Vol. 55, pp. 594-599

J. Diesel Mutagenicity:

1. Pierson, William R. et al., "Mutagenicity and Chemical Characteristics of Carbonaceous Particulate Matter from Vehicles on the Road", *Environmental Science and Technology*, Volume 17, pp. 31-44
2. Henderson, Thomas R., et. al., "GC/MS and MS/MS studies of diesel exhaust mutagenicity and emissions from chemically defined fuels," *Environmental Science and Technology*, Volume 18, pp. 428-434
3. Soontjens, Carol D., et. al., "Characterization of polycyclic aromatic compounds in diesel exhaust particulate extract responsible for aryl hydrocarbon receptor activity", *Atmospheric Environment*, Vol. 31, pp. 219-225
4. Enta, Takeji, et. al., "3-Nitrobenzene, a powerful bacterial mutagen and suspected human carcinogen found in diesel exhaust and airborne particulates," *Environmental Science and Technology*, Volume 31, pp. 2772-2776

K. Particulate Epidemiology and Health Effects:

1. Pope III, C. Arden, et. al., "Particulate Air Pollution as a Predictor of Mortality in a Prospective Study of U.S. Adults," *American Journal of Respiratory and Critical Care Medicine*, Vol. 151, pp. 669-674
2. Schwartz, Joel and Douglas W. Dockery, "Increased Mortality in Philadelphia Associated with Daily Air Pollution Concentrations" *American Review of Respiratory Disease*, Vol. 145, pp. 600-604
3. (Summary document) *Environmental Health Monthly*, August 1996, 2 pgs.
4. Pope III, C. Arden, et. al., "Health Effects of Particulate Air Pollution: Time for Reassessment," *Environmental Health Perspectives*, Vol. 103, pp. 472-480
5. Henderson, Rogene F., "Particulate Air Pollution and Increased Mortality: Biological Plausibility for Causal Relationship?" 95-MP18.03, Air and Waste Management Association, Annual Meeting, June 18-23, 1995
6. National Center for Environmental Health et al, "Ambient Air Quality and Acute Pediatric Respiratory Illness in the Paso del Norte Airshed, June 1, 1994 through December 31, 1995."
7. Seaton, et al., "Particulate Air Pollution and Acute Health Effects", *The Lancet*, Vol. 345, pp. 176-178
8. (Incorporation by Reference) Brunekreef, B., et al, "Epidemiologic Studies on Short-term Effects of low levels of major ambient air pollution components," *Environmental Health Perspectives*, Vol. 103, pp. 3-13
9. (Incorporation by Reference) Kleinman, M. T. et al "Cellular and Immunologic Injury with PM-10 inhalation" *Inhalation Toxicology*, Vol. 7, pp. 589-602
10. (Incorporation by Reference) Wilson, William E. and Helen H. Suh, "Fine Particles and Coarse Particles: Concentration Relationships Relevant to Epidemiologic Studies", *Journal of the Air and Waste Management Association*, Vol. 47, pp. 1238-1249

11. Schwartz, Joel et al, "Particulate Air Pollution and Hospital Emergency Room Visits for Asthma in Seattle". *American Review of Respiratory Disease*, Vol. 147, pp. 826-831
12. (Summary document) EPA's Proposal on the Particulate Matter Standard, Fact Sheet, November 29, 1996
13. Peters, Annette, et al., "Increased Particulate Air Pollution and the Triggering of Myocardial Infraction" *Circulation*, Vol. 103, pp. 2810-2815
14. Michaels, Robert A. and Michael T. Kleinman, "Incidence and Apparent Health Significance of Brief Airborne Particle Excursions" *Aerosol Science and technology*, Vol. 32, pp. 93-105

## V. Air Quality (Vol. 3 of 4)

### L. Animal Studies

1. Watkinson, William P., et al., "Cardiac Arrhythmia induction after exposure to residual oil fly-ash particles in a rodent model of pulmonary hypertension." *Toxicological Sciences*, Vol. 41, pp. 209-216.
2. Kleinman, M.T. et al., "Toxicity of Fine Particle Components of PM10 in Aged Rats." 96-WA68.01, Air and Waste Management Association, Annual Meeting, June 23-28, 1996.
3. Bhalla, D.K. et al., "Toxicity of Chemical Constituents of PM10 in the South Coast Air Basin of California." Contract No. A933-158, California Air Resources Board.
4. Kodavanti, et al. "Genetic variability in combustion particle-induced lung injury." *American Journal of Physiology*, Vol. 272, pp. L521-L532.
5. Killingworth, Cheryl R., et al. "Inflammation, chemokine expression, and death in monocrotaline-treated rats following fuel oil fly ash inhalation." *Inhalation Toxicology*, 1997.
6. Hatch, G.E. et. al., "Effects of fly ash and its constituents on sensory irritation in mice." *Fundamental and Applied Toxicology*, Vol. 2, 00. 77-81.
7. Dye, Janice A., "Epithelial Injury Induced by Exposure to Residual Oil Fly-Ash Particles: Role of reactive Oxygen Species?"
8. Mumford, J.L. et. al., "Toxicity of particles emitted from combustion of waste crankcase oil: in vitro and in vivo studies." *Fundamental and Applied Toxicology*, Vol. 7, pp. 49-57.
9. Hatch, G.E. et. al., "Inhalable particles and pulmonary host defense: In vivo and in vitro effects of ambient air and combustion particles." *Environmental Research*, Vol. 36, pp. 67-80.

10. Kadiska, Maria B., et al., "In vivo evidence of free radical formation in the rat lung after exposure to an emission source air pollution particle." *Chemical Research in Toxicology*, Vol. 10, pp. 1104-1108.
11. Su, Wei-Yi, et al., "Temporal Expression and Cellular Distribution of Pulmonary Fibronectin Gene Induction Following Exposure to an Emission Source Particle." *Journal of Environmental Pathology, Toxicology and Oncology*, pp. 215-225, 1995
12. Kodavanti, et al., "Eosinophilic lung inflammation in particulate-induced lung injury: technical consideration in isolating RNA for gene expression studies." *Environmental Lung Research*, Vol. 22, pp. 541-554.
13. Kodavanti, et al., "Rodent models of cardiopulmonary disease: their potential applicability in studies of air pollution susceptibility." *Environmental Health Perspectives*, Vol. 106, pp. 111-130.
14. Bonner, James C. et al., "Induction of the lung myofibroblast PDGF receptor system by ambient urban particles from Mexico City." In press, 7/8/97 draft.

M. Lung Irritation and Nuisance Effects

1. Martin, Linda D. et. al., "The role of reactive oxygen and nitrogen species in the response of airway epithelium to particulates." *Environmental Health Perspectives*, Vol. 105, pp. 1301-1307

N. Health Effects of Metals and Toxic Constituents of PM

1. Ghio, Andrew J. et al., "Role of surface complexed iron in oxidant generation and lung inflammation induced by silicates." *American Journal of Physiology*, Vol. 263, pp. L511-L518
2. Ghio, Andrew J., "Humic-like substances in air pollution particulates correlated with concentrations of transition metals and oxidant generation." *Inhalation Toxicology*, Vol. 8, pp. 479-494
3. Pritchard, Robert J., "Oxidant generation and lung injury after particulate air pollutant exposure increase with the concentrations of associated metals." *Inhalation Toxicology*, Vol. 9, pp. 457-477
4. Kodavanti, Urmila P., et al., "Pulmonary proinflammatory gene induction following acute exposure to residual oil fly ash: roles of associated metals." *Inhalation Toxicology*, Vol. 9, pp. 679-701

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6. Dreher, Kevin L., et al., "Soluble transition metals mediate residual oil fly ash induced acute lung injury." *Journal of Toxicology and Environmental Health*, Vol. 50, pp. 285-305
7. Gavett, Stephen H., et al., "Metal and Sulfate Composition of Residual Oil Fly Ash Determines Airway Hyperactivity and Lung Injury in Rats." *Environmental Research*, Vol. 72, pp. 162-172
8. Costa, Daniel L. and Kevin L Dreher, "Bioavailable Transition Metals in Particulate Matter Mediate Cardiopulmonary Injury in Healthy and Compromised Animal Models." *Environmental Health Perspectives*, 1997. Author and draft copy.

## V. Air Quality (Vol. 4 of 4)

- O. Pope II, C. Arden, PhD, *et al.*, Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution, American Medical Association, March 6, 2002-Vol. 287, No. 9.
- P. Kleinman, M.T., Airborne Particles and Health (40 Slides), University of California, Irvine, Department of Community and Environmental Medicine
- Q. Lurmann, Frederick W., *et al.*, Sonoma Technology, Inc.'s Final Report - Assessment of the Health Benefits of Improving Air Quality in Houston, Texas, November 19, 1999.

## VI. Noise References

- A. FHWA Noise Abatement Criteria; Table 3.3-1; NJ Route 52(1)
- B. American National Standard - Sound Level Descriptors for Determination of Compatible Land Use, American Institute of Physics for the Acoustical Society of America (1980)
- C. Miscellaneous Provisions and Offenses, Chapter 20, Pasadena Code
- D. LaPorte Code §106.521
- E. Shoreacres Code §22-36 to §22-40, Environment
- F. Community Noise, Edited by Birgitta Berglund & Thomas Lindvall, Stockholm, Sweden, 1995

- G. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, U.S. Environmental Protection Agency, Office of Noise Abatement and Control, March 1974

## **VII. Land Use**

- A. La Porte Comprehensive Plan Update, 2000-2020, Wilbur Smith Associates (2001)
- B. Basic Subdivision Ordinance, Pasadena Planning Department
- C. Light Industrial District, Pasadena, Texas
- D. Seabrook, Texas Comprehensive Plan 2010, Llewelyn-Davies Sahni, Inc. Planning Consultants, 1991
- E. Seabrook City Code §1.01 - §12.03, Comprehensive Zoning, Part III

## **VIII. No Appendix**

## **IX. Environmental Justice**

- A. Computer Assisted Environmental Justice Index Methodology, Office of Planning and Analysis, U.S. EPA Region 6, July 1994.
- B. Environmental Justice: Guidance Under the National Environmental Policy Act, Council on Environmental Quality, December 10, 1997

## **X. Socio-economics**

- A. Final Report - Port of Houston Authority Strategic Plan, Booz-Allen & Hamilton, Inc., June 28, 1999
- B. Port of Houston Authority of Harris County, Texas - Comprehensive Annual Financial Report for the Year Ended December 31, 2000, The Office of the Controller Port of Houston Authority
- C. "Analysis of PHA Comprehensive Annual Financial Reports, 1995-1999." GBCPA (9 pgs.)
- D. "Section 4: Future Facility Needs Assessment," Conceptual Development and Study for Shoal Point, Texas City, TX
- E. "Tariff Freeze for 2002" – <http://www.portofhouston.com/bulletin/tariffz.htm> (PHA Website, 02/12/02)

- F. "Tax Facts – How Schools Are Funded in Texas," Clear Creek Independent School District, 2001 (2 pgs.)

## **XI. Wetlands**

- A. Wetland Assessment Report for the Port of Houston Authority -19.8 American Acryl Tract, Entrix, Inc., January, 1999
- B. Wetland Determination and Delineation Report; Port of Houston Authority; 450-Acres Tract at Bayport Ship Channel - Bayport, Texas, Harding Lawson Associates, December 17, 1998
- C. Wetland Delineation Report for the Port of Houston Authority concerning 9.5 acre McCause Tract.
- D. Table of Contents; Jurisdictional Waters of the United States Wetland Assessment Determination and Delineation; Bayport Property, 608 Acre Site; Harris County, Texas, Berg-Oliver Associates, Inc.
- E. Wetland Determination and Delineation on approximately 608 acres fronting Toddville Road and Port Road in Harris County, Texas, Berg-Oliver Associates, Inc., June 10, 1998
- F. Technical Memorandum 5: Wetlands, Jurisdictional Waters, and Bay and Estuary Resources, Prepared for Port of Houston Authority, June 1998.
- G. Port of Houston Authority 54 Acres Site, Harris County, Texas, Waters of the United States- Wetland Assessment, Berg-Oliver Associates, Inc. Environmental and Land Use Consultants, April 1995.
- H. Berg-Oliver Associates, Inc. Proposal for Professional Environmental Services Wetland Determination and Delineation - One Hundred Eleven Acres, Highway 146, Harris County, Texas, February 28, 1995.
- I. Environmental Assessment: Bayport Ship Channel, Texas Maintenance Dredging, U.S. Army Engineer District, Galveston, March 1993.
- J. Port of Houston Authority - Wetland Determination Analysis and Delineation Study - Bayport Areas - 608 Acres, Harris County, Texas, W.K. Berg & Associates, Inc., October 1992.
- K. Identification of Waters of the United States for the James H. Glanville Company "Bayport Property", Jones/Smith Environmental Services, Inc., September 16, 1992.
- L. Appendix VII, Historical Topographic Maps, Michael Baker Environmental, Inc.



MAP, Waters of the United States – Wetland Delineation of Project Area, Berg Oliver  
Assoc., Dec., 1998

## **XII. 50-Foot Channel**

- Exhibit XII-A    Testimony of Kurt J. Nagle, American Association of Port Authorities, House  
Transportation and Infrastructure Subcommittee on Water Resources and  
Environmental, March 3, 1998
- Exhibit XII-B    Fax to William Dobson, from Daniel Johnson, Bayport Terminal Complex Port  
of Houston Authority Draft Overall Project Schedule, January 2, 1998; Bayport  
Terminal Complex, Draft Overall Project Schedule, January 2, 1998
- Exhibit XII-C    Texas Transportation Institute, Texas A & M University, August 1997,  
Megaports and Load Centers of the Future with the Port of Houston as the  
Baseline Port; 6.9 The Future Gulf Load Center Port Model - The Port of  
Houston Example
- Exhibit XII-D    "U. S. ports are digging deeper to compete for larger cargo ships," *Houston  
Chronicle*, December 22, 1998, Anick Jesdanun
- Exhibit XII-E    "It Turns Out The Bridge To The 21st Century Is Actually A 50-Foot Channel,"  
the Port of Virginia.
- Exhibit XII-F    U. S. Ports and Superships, American Shipper, September, 1998, Robert  
Mottley and Chris Gillis
- Exhibit XII-G    Sea-Land in Charter Deal, Paul Richardson CNA, July 6, 1998
- Exhibit XII-H    Port News Magazine, August 1998:
1. Regina Maersk: The First of Many Bernard Groseclose, Jr.
  2. Regina Maersk Makes Historic Call
- Exhibit XII-I    Time to change the channel / A plan that's been around since 1968 finally is  
dredged up - and financed, Jenalia Moreno, *Houston Chronicle*, June 28, 1998
- Exhibit XII-J    Houston-Galveston Navigation Channel Project, USACE
- Exhibit XII-K    Maps:
1. Southeast Study Area
  2. Southeast Study Area with Trans-Texas Alternate Routes (Fig. 6.1)
  3. Southeast Study Area With Trans-Texas Alternate Routes

### **XIII. Aquatic Environment**

#### **Exhibit XIII-A Dredging, Filling and Navigation**

1. Bayport Terminal Complex Dredging & Dredge Disposal Issues - Port of Houston Authority - Bayport Terminal Complex, Houston, Texas by Lockwood, Andrews & Newman. (6 of 8)

#### **Exhibit XIII-B. Water Quality**

1. Washington State Sediment Quality Standards, WAC 173-204-420
2. HGAC Water Quality Summary Sheets: Upper Galveston Bay (2421), Lower Galveston Bay (2439), and Houston Ship Channel (1005, 2426-30, 2436). Houston-Galveston Area Council, 2001 (6 pgs).
3. GBCPA partial data analysis of TNRCC Surface Water Quality data (4 pgs).
4. EPA National Recommended Water Quality Criteria for Priority Toxic Pollutants, Federal Register, December 10, 1998 (7 pgs).
5. Texas Surface Water Quality Standards, 30 TAC 307, Tables 1, 2, 4, and excerpt from "Appendix A" (6 pgs).
6. Storm Water Pollution Prevention Plan for Barbours Cut, Port of Houston Authority, March 9, 1998 (36 pgs plus appendices A-G).
7. Spill Prevention Control and Countermeasures Plan, Port of Houston Authority, August 30, 1998 (26 pgs, missing pgs 24 and 26, request complete copy from applicant).

#### **Exhibit XIII-E Economic Impacts to Aquatic Environment**

1. The Value of The Texas Bays and Adjacent Wetlands, by Jim Blackburn, Chris Johnson and Michael Berryhill, Texas Bays Book, February 1, 2001 (Draft)

#### **Exhibit XIII-F Aquatic Life – Expert Report, Robert McFarlane, Ph. D.**

1. Cohen, Andrew N., Ships Ballast Water and Introduction of Exotic Organisms into the San Francisco Estuary: Current Status of the Problem and Options for Management, San Francisco Estuary Institute, October 1998.
2. Gulf of Mexico Ballast Water Profile: Port of Houston, Ports of Lower Mississippi, Port of Gulfport, Port of Mobile, Port of Tampa, Battelle, November 1998.
3. Advisory Notes on Ballast Water Exchange Procedures, American Bureau of Shipping, 1999.

### **XIV. No Appendix**

The following materials are also submitted as part of the enclosed comments:

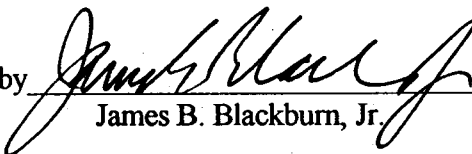
1. Video - *Container Ports: Lessons from Long Beach*, Anchorage Films
2. Compact Disc 1 - Selected Houston-Galveston Area Council (HGAC) 1999 Harris County 0.5m aerial photographs  

Nos.: 5655-57	5850-51
5755-57	5948-58
5850-51 and 5855-58 sid/sdw	6047-58
6148-58	6354-56
6248-58	6454-56
6348-53	
3. Compact Disc 2 - Images, documents, powerpoint presentations, and Geographic Information System (GIS) files
4. Compact Disc 3 - Land use images, powerpoint presentations, and Geographic Information System (GIS) files

Thank you very much for your consideration of these comments. Should you have any questions, please contact me at (713) 524-1012.

Sincerely,

BLACKBURN CARTER, P.C.

by   
James B. Blackburn, Jr.

RECEIVED:

\_\_\_\_\_  
Kerry Stanley

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Date

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**COMMENTS ON THE DRAFT ENVIRONMENTAL  
IMPACT STATEMENT FOR THE PORT OF HOUSTON  
AUTHORITY'S PROPOSED BAYPORT CONTAINER  
PROJECT (BAYPORT DEIS)**

**Prepared by Jim Blackburn and Brian Pietruszewski**

These comments regarding the Draft Environmental Impact Statement for the Port of Houston Authority's proposed Bayport container port (Bayport DEIS) are submitted to the U.S. Army Corps of Engineers by the Galveston Bay Conservation and Preservation Association (GBCPA). GBCPA has studied this proposed project for over three years. We have consulted with numerous experts regarding specific environmental impact issues. We are convinced that the Bayport DEIS is seriously flawed.

The legal standard applicable to an environmental impact statement is one of full disclosure. The EIS must fully and fairly set out the environmental impacts of the proposed action. The document must fully and fairly evaluate alternative courses of action, particularly different ways of achieving the project purpose as well as the alternative of no action. This document must tell the truth because it is relied upon by the decision-makers within the Corps of Engineers and is also relied upon by the public. Thousands of court cases have been decided reviewing and interpreting environmental impact statements. There is no debate that the standard for compliance with the National Environmental Policy Act and its required environmental impact statement is full and fair disclosure.

The Port of Houston Authority's proposed Bayport container port is a huge project that will overwhelm both the infrastructure and the citizens living adjacent to it. The impacts of this proposed action will affect traffic and transportation, air quality, noise, local and regional land use patterns, wetlands, Galveston Bay salinity, Galveston Bay oysters and Galveston Bay species distribution.

GBCPA has carefully considered the Bayport DEIS and finds it woefully lacking. As will be discussed in detail in these comments, the Bayport DEIS has failed to fully and fairly disclose the impacts of the proposed Bayport container port on the environment. Some issues, such as PM<sub>2.5</sub> air pollution, land use changes and the direct and cumulative impact of the 50 foot channel are simply not addressed in the document. A violation of the national standard for PM<sub>10</sub> air pollution is identified but never discussed or analyzed. There are environmental justice issues and important cumulative impacts that were ignored in the Bayport DEIS. Other issues, such as the noise analysis, are done incorrectly, utilizing methodologies that do not reveal the full extent of the impact. The transportation analysis eliminates serious impacts by assuming projects will be constructed to address the resulting problems, projects that are neither funded nor approved. There is no serious attempt made to understand the impact of non-indigenous species and the wetlands analysis is biased and incorrect. The analysis of alternative sites

7-86

20-37

and alternative plans is skewed in a manner that only Bayport can be selected, exhibiting impermissible bias.

GBCPA urges that the Bayport DEIS is so flawed that it must be redone as a Supplemental DEIS before it can be used in the decision-making process. There are so many changes that need to be made in the analysis and in the content of the document that the public must have another opportunity to review and comment on this document that has so many errors, omissions and mistakes. To go forward with this flawed document would compound the errors, omissions and mistakes that have already been made.

23-6  
23-19

This is a serious matter. GBCPA believes, based upon the work of the consulting team that has been assembled, that serious issues exist regarding the impact of the proposed Bayport container port on Galveston Bay and southeast Harris County. These issues will affect the life, health and property of tens of thousands of people and could forever change the future ecological health of Galveston Bay. At the least, the truth should be laid out before we make such an irrevocable commitment.

In addition to the Bayport DEIS, the Galveston District of the Corps of Engineers issued a Draft Environmental Impact Statement on the application by the City of Texas City for a container facility at Shoal Point (hereinafter Shoal Point DEIS) in January, 2002. These two DEISs cover the same subject matter and consider the same alternative sites. However, the analysis of issues is quite different in each of these documents. The disparity in these two documents both emphasizes and highlights the bias in the analysis and the errors in either one or the other or both of these documents. This disparity will be highlighted as part of these comments. We hereby incorporate both the Bayport DEIS and the Shoal Point DEIS into these comments.

23-137

These comments are presented as follows. First, a summary of our comments is presented. These summary comments are followed by detailed comments that elaborate on deficiencies in the Bayport DEIS. These detailed comments are accompanied by reports prepared by experts working with GBCPA on these comments. These expert reports are included as part of these comments. Finally, there are numerous reference documents that are submitted as part of these comments. GBCPA requests that all of these submissions be placed into the administrative record of this permit application as a response to the request for comments on the DEIS.

In this Summary, a short overview of the Bayport site will be presented. This will be followed by a discussion of the land use history of the Bayport site, traffic and transportation issues associated with Bayport, air quality impacts, noise impacts, local and regional land use, cumulative impacts, environmental justice issues, wetland issues, Galveston Bay species issues, Galveston Bay salinity issues, Galveston Bay oyster issues, water quality and dredging issues. A comparative analysis of alternatives is subsequently presented, along with various legal issues associated with the Bayport DEIS.

## A. SUMMARY OF THE BAYPORT PROPOSAL

The Port of Houston's Bayport container port is proposed to be constructed on approximately 1,091 acres of land along the south side of the Bayport Ship Channel. The proposed project includes 752 acres for a container terminal complex, including 7000 linear feet of new wharves and berths, container yards, gate facilities, rail yards, support facilities and industrial co-development areas. The proposed project also includes 192 acres for a cruise terminal and related co-development area and 147 acres for buffer area and stormwater management. The proposed project would also require dredging of a new 1,600 foot diameter cruise turning basin on the south side of the Bayport channel. At this time, the Port of Houston Authority does not own all of the land that is needed for this facility and shown in the application as being developed. A diagram of the proposed container and cruise terminal is shown in Figure I-1, attached to this Summary.

The Port of Houston Authority has requested permission from the Corps to construct the wharves to a depth of 56 feet. The current authorized depth of the Bayport channel is 40 feet and the current authorized depth of the Houston Ship Channel is 45 feet. In the DEIS, the Corps states that it is reasonably foreseeable that the Houston Ship Channel will need to be deepened in the future and the DEIS states that the impact of deepening the Houston Ship Channel to 50 feet was presented in the DEIS. As discussed in Section XIII(A), GBCPA has been unable to locate an adequate discussion of the 50-foot channel issue. 20-38

The proposed Bayport container port will attract large numbers of diesel trucks to move the containers onto the road system. In the first phase, over 2000 trucks per day will enter and leave the site. Over time, the number of trucks per day increases to a peak of 8579 trucks per day by the year 2025 according to the Bayport DEIS. Additionally, the Port Terminal rail connection begins operation after the year 2012, eventually generating 8-8000 foot long trains per day. These trains will move northward along the new rail line along SH 146 and then move westward parallel to SH 225, entering the grid on the east side of Houston near Loop 610 and IH45S. The facility has berths for seven container ships that burn diesel fuel and five cruise ships that burn diesel fuel. The facility will have numerous container movers that are also diesel-powered. The terminal will load and unload containers and move containers 24 hours a day. Truck traffic will be limited to daylight hours.

In the Bayport DEIS, certain transportation improvements are either proposed for construction or assumed in the analysis of impacts. Among the proposed improvements are grade separations at SH 146 and the existing Union Pacific/ proposed Port Terminal Railway Authority (hereinafter UP/PTRA), Old 146 and UP/PTRA, Fairmont Parkway and UP/PTRA, Choate Road and UP/PTRA, Choate Road and SH 146 and Port Road and UP/PTRA. Flyover ramps are proposed for westbound Port Road to 146 N, 146 S to southern access and 146 S to pre-check gate. Port road is proposed to be widened to six lanes, the intersection at Port Road and Todville is to be redone and a direct connection from the southern access road to 146 N is proposed. Additionally, and most importantly, SH 146 is assumed in the transportation impact section of the Bayport DEIS to be

enlarged to a six-lane freeway with access roads north of Red Bluff and widened and resurfaced south of Red Bluff.

The Bayport container facility and cruise terminal is proposed to cost \$1.2 billion. This cost will be paid by the Port of Houston Authority and borne by the taxpayers of Harris County. The local share of an additional \$147 million in transportation improvements has been committed by the Port of Houston Authority. The source of the non-local money to pay for these improvements has not been specified at this time. Additionally, the Port of Houston Authority is depending upon the Texas Department of Transportation and Federal Highway Administration to pay the cost that is estimated for the improvements to SH 146 that are assumed in the transportation impact analysis in the Bayport DEIS.

Currently, another major federal action generating significant environmental effects is pending before the federal Surface Transportation Board. This project is the so-called San Jacinto rail line, a joint venture between the Burlington, Northern and Santa Fe rail line and four petrochemical companies operating in the Bayport area. This rail line proposes new construction from the Atofina Plant immediately adjacent to the proposed Bayport container facility to the Union Pacific tracks located adjacent to SH 3, a distance of approximately 12.8 miles. From this juncture, the BNSF trains will proceed northward to BNSF's New South Yard. This rail line will carry products from the petrochemical plants, including hazardous chemicals such as ethylene oxide and propylene oxide. Due to the fact that this rail line is a common carrier, it must carry container cargo if requested to do so. GBCPA believes that this BNSF rail proposal must be analyzed together with the proposed Bayport container port because both actions are currently pending and their impacts overlap and are cumulative. At the least, these are cumulative actions as that term is defined at 40 CFR 1508.25(a)(2).

20-39

## B. LAND USE HISTORY

The land proposed to be developed for the Bayport container port is adjacent to residential development on the north, east and southern boundaries of the site. This residential development predates the construction of the Bayport deepwater channel and the creation of the Bayport Industrial District. The Bayport Industrial District was created in the early to mid 1960s by Humble Land Development Division from the West Ranch that was owned by Humble Oil and Refining. Later, Humble Land Development Division became Friendswood Development Company, a wholly owned subsidiary of Exxon.

In order to construct the Bayport Channel, SH 146 had to be closed and relocated to the west. To demonstrate to the neighboring residential areas that this proposal was acceptable and to attract investors, Humble Land Development Division distributed brochures in the 1964-1965 time period that made specific representations to the public about the type, scale and location of industrial development that was planned for the Bayport Industrial District. The majority of the District was located west of the relocated SH 146, with only the deepwater channel and a narrow waterfront area developed to the

east of SH 146. The original development plan is shown on Figure I-2. The purpose of the deepwater channel was to serve industries in the District and adjacent communities. A later version of the industrial development plan for Bayport is shown in Figure I-3. This plan dates from the early 1970s. Again, the scale of port development that is proposed is relatively small.

The point here is simply that the residential land development in Shoreacres, LaPorte, El Jardin and Seabrook predate the Bayport Industrial District and predate the construction of the Bayport channel. Specific promises were made to the residents of these areas, promises that are now being broken. The history of land use here is important. It establishes baseline concepts of equity, nuisance and impact. Section III, an expert report prepared by Mr. Harvill Weller, presents these issues in depth.

4-38

### C. TRANSPORTATION

The analysis of the transportation impacts set out in the Bayport DEIS is both flawed and biased. Perhaps most importantly, different transportation assumptions are applied to alternative sites in the analysis of alternatives section. The problems associated with the alternative analysis will be set out in the section critiquing the analysis of alternatives. In the transportation section, issues specific to traffic and transportation from the Bayport container port are set out.

27-66

First and foremost, the DEIS is not clear as to what transportation improvements are assumed in the transportation impact analysis included in the Bayport DEIS. Jody Short of Lee Engineering is the expert that was retained by GBCPA to analyze the traffic and transportation impacts of Bayport. Mr. Short has stated that the existing roadway system cannot accommodate the traffic from the Bayport container port without certain roadway improvements. (See Lee Engineering report - Section IV-B).

According to the Lee Engineering report, the following improvements are assumed to be completed by 2012 in the Bayport DEIS: SH 146 is widened to 6 lanes, a 4 lane access road exists to the cruise terminal, a ramp exists to pre-check access road from southbound SH 146, a pre-check access road exists, grade separation exists at Choate Road/Shoreacres Blvd, a 3-lane frontage road on SH 146 is extended south from Fairmont Parkway to Port Road, and grade separation exists at the railroad track and Fairmont Parkway. (See Table 2, Lee Engineering Report)

According to the Lee Engineering report, the following improvements are assumed to be completed by 2025 in the Bayport DEIS: direct ramps from SH 146 and Port Road, direct ramps for SH 146 and Red Bluff Road, grade separation of SH 146 and Red Bluff Road and extension of the 3-lane frontage road along SH 146 south from Port Road to beyond Red Bluff. (See Table 2, Lee Engineering Report).



These assumptions must be clearly identified in the Bayport DEIS and their cost must be clearly set out.

The without improvement analysis presented in the Bayport DEIS is consistent with Mr. Short's analysis but the document is neither clear nor forthcoming about the absolute necessity for the improvements or the funding of the improvements. GBCPA is of the opinion that the Bayport DEIS should have been clearer about the extensive occurrence of level of service "F" without additional roads and interchanges being constructed. Further, the impacts associated with the construction of these improvements will be occurring at the same time that the Bayport facility is proposed to begin operation and the impact of the construction of these transportation improvements is never discussed in the Bayport DEIS.

27-67

Second, Mr. Short and the Bayport DEIS agree that the impact of the Bayport container project will be unacceptable in all years without the roadway improvements. The intersection at SH 146 and Shoreacres Blvd. will operate at the poorest level of service – F – until a grade separation is completed, possibly leading to the diversion of traffic to Bay Area Boulevard. The intersection at SH 146 and Red Bluff Road will also operate at poor levels of service until they are grade separated.

Third, GBCPA's studies reveal that the truck trip projections for the Bayport alternative are too low and have been artificially manipulated. The truck projections contained in the Bayport DEIS are lower than prior projections contained in the Bayport Master Plan. According to the Bayport DEIS, these traffic estimates were *adjusted* but no quantitative description of the adjustment process is provided. In the Bayport DEIS, the *adjusted* average day generates 8,597 trips compared to over 10,000 trips that were projected, on average, in the Bayport Master Plan Study. The Bayport DEIS never discloses the total number of truck trips revealed by their study of Barber's Cut traffic patterns prior to adjustment. GBCPA conducted its own study of truck movement from Barbers Cut that yielded an existing ratio of 2.68 trips per trucked unit compared to the adjusted ratio of 1.93 trips per trucked unit used in the Bayport DEIS. GBCPA urges that full disclosure requires that the information associated with the Corps' study of Barbers Cut truck traffic be included in a revised traffic impact analysis and that a quantitative explanation of the basis for the so-called adjustment be set out.

27-68

27-69

Fourth, in the analysis of traffic associated with Shoal Point, the transportation modeling trip distribution undertaken by the Houston-Galveston Area Council was modified by the contractor for the Port of Houston artificially increasing the truck traffic from Shoal Point to Barbers Cut from 16% set out in the HGAC analysis to 44% that was included in the Bayport DEIS's 2005 analysis of the Shoal Point alternative. The information presented in the Bayport DEIS does not support the 44% number in any manner. In fact, the Shoal Point DEIS uses a figure of 28% for the same traffic. The Bayport DEIS analysis was artificially manipulated to make the Shoal Point alternative look worse than originally modeled by HGAC and as analyzed by the Corps in the Shoal Point DEIS. That is simply impermissible.

27-70

Finally, Mr. Short is very clear in his expert report that the traffic analysis of the Bayport alternative in the Bayport DEIS made a number of assumptions that were very favorable to Bayport, essentially representing "best case" alternatives. If anything, the regulations of the Council on Environmental Quality controlling the preparation of EISs require "worst case" analysis (see 40 CFR 1502.22) and do not condone "best case" analysis that was provided in the Bayport DEIS of the Bayport alternative. That is bias and impermissible.

27-71

#### D. AIR QUALITY

Major problems exist in the air quality analysis set forth in the Bayport DEIS. Certain analyses are incomplete. Others are omitted. The air quality analysis must be significantly revised and sent out to the public in a Supplemental Draft EIS for review and comment.

##### 1. PM<sub>10</sub> – COARSE PARTICLE MATTER

The United States Environmental Protection Agency (EPA) has established a national standard for PM<sub>10</sub> air pollution. A 24 hour standard has been set at 150 ug/m<sup>3</sup> and an annual standard has been set at 50 ug/m<sup>3</sup>. Consider the following statement from the Bayport DEIS:

Based on the past three years of data available through the EPA Aerometric Information Retrieval System (AIRS) program, the HGA (Houston-Galveston Area) exceeds the 24-hr PM<sub>10</sub> standard. The 1999 (three year) 24-hr value was 157 ug/m<sup>3</sup> and the (three year) annual value was just under the standard at 49 ug/m<sup>3</sup> (EPA, 2000b). Bayport DEIS, p. 3.12-3.

No further analysis of this issue is set forth in the Bayport DEIS. No ambient monitoring data at the site is reported for PM<sub>10</sub>. No computer modeling of the impact of PM<sub>10</sub> emissions is set forth at the site. Computer modeling is included for carbon monoxide which is not violating the national standard. However, no serious analysis was completed of a national criteria pollutant that the Bayport DEIS identifies as exceeding the national standard.

This omission is inexcusable and exhibits bias of the most incredible degree. The purpose of a DEIS is to understand the impact of proposed action on public health and the environment. No doubt exists that PM<sub>10</sub> air pollution is generated by the proposed Bayport container port. PM<sub>10</sub> emissions are identified in the Bayport DEIS in Table 26 from the container, cruise and rail facilities (but not from construction) and are projected to exceed 245 tons per year in 2020, a non-trivial amount.

7-88

Bayport will worsen existing PM<sub>10</sub> levels. The existing air quality at the site must be determined through ambient monitoring for both 24 hour levels and annual levels. The impact of the construction and operation of Bayport on verified PM<sub>10</sub> background

levels must be determined by computer modeling. An exceedance of the national standard has severe health implications. The standard was set to protect health. If the construction and operation of the Bayport facility will lead to a violation or the worsening of a violation of either the short-term (24 hr.) or long term (annual)  $PM_{10}$  standard, a major effort should be made to quantify the health-related impacts that will occur to the people living adjacent to Bayport.

7-88

It is irresponsible of the Corps of Engineers to note a violation of the 24-hour standard and a near violation of the annual standard and then simply stop the analysis.

## 2. $PM_{2.5}$ – FINE PARTICLE MATTER

A second national ambient air quality standard exists for a type of particle matter known as  $PM_{2.5}$  or fine particle matter. This national standard is found at 40 CFR §50.7 and has recently been upheld in an opinion of the U.S. Supreme Court. *Whitman v. American Trucking Assoc., Inc.*, 121 S.Ct. 903 (2001). The 24-hour standard for  $PM_{2.5}$  is  $65 \mu g/m^3$  and the annual standard for  $PM_{2.5}$  is  $15 \mu g/m^3$ . No analysis of the impact of the proposed Bayport facility on  $PM_{2.5}$  levels was included in the Bayport DEIS even though such an analysis was specifically requested in the scoping comments submitted by GBCPA. GBCPA believes that the impact of Bayport on ambient  $PM_{2.5}$  levels will be among the most severe impacts generated by this proposed container facility and must be disclosed in a legally-correct EIS.

7-87

GBCPA asked three experts to review various aspects of  $PM_{2.5}$ . Dr. Matt Fraser, a  $PM_{2.5}$  specialist and faculty member of the Environmental Science and Engineering Department at Rice University, provided an overview analysis of  $PM_{2.5}$ . Michael Hunt, a registered professional engineer in Texas, undertook computer modeling of  $PM_{2.5}$  levels generated by the proposed Bayport container facility and Dr. Michael Kleinman, a toxicologist on the faculty of the University of California at Irvine, provided an analysis of the health effects associated with  $PM_{2.5}$ .

Dr. Fraser's report provides an overview of the significance of  $PM_{2.5}$  air pollution. Dr. Fraser identifies that fine particles can reach deeper into the lungs and accumulate over time. Dr. Fraser reports on the Harvard Six-City Study that established a correlation between high levels of  $PM_{2.5}$  and human mortality. Dr. Fraser notes that this study, among others, led EPA to adopt a national standard for fine particle matter. Dr. Fraser concludes as follows:

Preliminary measurements in Southeast Texas show that urban and industrial areas in Houston are very close to exceeding the annual average level of 15 micrograms per cubic meter, and that any increase in emissions of atmospheric fine particles may bring the area into non-compliance. New, spatially concentrated sources of fine particles should be reviewed to determine if the concentration of sources will bring the region into non-compliance with the new NAAQS for fine particles. (See Fraser Report). Section V(C).

7-148  
file

Dr. Fraser's opinion that existing PM<sub>2.5</sub> levels are close to exceeding the NAAQS of 15 micrograms per cubic meter is supported by Figure I-4 from the report of Dr. Kleinman prepared for GBCPA. In turn, this figure is from the report prepared by Dr. Kleinman and others for the City of Houston called "The Sonoma Report" ~~(see Appendix V)~~. This figure indicates that PM<sub>2.5</sub> levels near the site are approximately 15 micrograms per cubic meter. The only data included in the Bayport DEIS reports PM<sub>2.5</sub> levels of 17, 18 and 20 micrograms per cubic meter at various monitoring stations, all in excess of the national standard. (See Table 3.12-2, Bayport DEIS).

7-149  
Pek

Michael Hunt, P.E., was asked by GBCPA to model the expected levels of PM<sub>2.5</sub> resulting from the construction and operation of the proposed Bayport container facility. Mr. Hunt utilized the same assumptions as to sources of emission as were used by the Corps in the Bayport DEIS. Mr. Hunt's report identifies that the majority of the PM<sub>10</sub> emissions from the Bayport site would be from diesel sources and that the majority of particle emissions from diesel sources are fine particles. Therefore, Mr. Hunt modeled the fine particle emissions as 92% of the PM<sub>10</sub> emissions from diesel sources, a conservative estimate.

7-150  
Pek

The results of Mr. Hunt's modeling are shown on Figure I-5 that shows isolines of PM<sub>2.5</sub> concentration on an annual basis. (Mr. Hunt's) modeling indicates an increase of 3.0 micrograms per cubic meter occurring just off-site of the proposed container facility and shows the 1.0 micrograms per cubic meter isoline extending north of the site into Shoreacres and southern LaPorte, eastward into El Jardin and southward into Seabrook. The 0.5 microgram per cubic meter increase isoline extends far to the north into LaPorte along SH 146 and southward into the center of Seabrook. The 0.3 microgram per cubic meter isoline extends westward to Taylor Lake Village and El Lago, as well as further into Seabrook and LaPorte.

7-151  
Pek

Utilizing a geographic information system (GIS) software program known as ArcView Version 3.2a, GBCPA has estimated that over 8000 persons live within the 0.5 microgram or higher isolines. Supporting files for this analysis have been submitted in disc form as part of these comments. Therefore, a large number of citizens - men, women and children - will be exposed to the PM<sub>2.5</sub> emissions from Bayport. This type of population impact would not occur at either Shoal Point or Spillman's Island due to the absence of adjacent residential development from these sites.

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Dr. Michael Kleinman is an expert on the health effects of fine particle air pollution. Dr. Kleinman has prepared a summary of the various health effects studies that have been completed and the lead him to the conclusion that PM<sub>2.5</sub> is a dangerous pollutant that will cause an increase in morbidity as well as in mortality. In other words, PM<sub>2.5</sub> makes people sick and some of them will die. The study that Dr. Kleinman conducted for the City of Houston indicated that an additional 245 deaths per year in the Houston area are associated with PM<sub>2.5</sub> exposure in addition to thousands of cases of bronchial and lung disorders.

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Dr. Kleinman has employed certain relationships between exposure and incremental health risk and has determined that substantial and serious health effects will result from the incremental increase of  $PM_{2.5}$  levels associated with the proposed Bayport facility. According to Dr. Kleinman,

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According to Dr. Kleinman, severe and substantial health effects will result in the areas subjected to  $PM_{2.5}$  levels exhibiting an annual increase of greater than 0.5 micrograms per cubic meter. Dr. Kleinman has reviewed the health effects literature associated with  $PM_{2.5}$  and has made the following findings:

Over a five-year period, there will be between 1 and 2 excess deaths among the 8,409 residents living with the 0.5 microgram isoline predicted by Mr. Hunt.

Over a five-year period, there will 3 to 4 additional hospitalizations due to  $PM_{2.5}$ .

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Over a five-year period, there will be 66 more cases of asthma within the  $PM_{2.5}$  isoline.

Over a five-year period, there will be 568 additional person/days during which people are too sick to work.

Over a five-year period, there will be 2,892 additional person/days during which individuals living within the 0.5  $PM_{2.5}$  isoline will be sick enough to significantly reduce their levels and efficiency of activities.

These are serious health effects by any measure, particularly if you are the one who dies or whose child gets asthma. The point is that these impacts should be fully and fairly disclosed and they were not.

$PM_{2.5}$  is a serious pollutant that poses a substantial health risk to the people living adjacent to the proposed Bayport container facility that will be a major source of  $PM_{2.5}$  emissions. It is unbelievable that the Corps failed to analyze the impact of  $PM_{2.5}$  emissions on the adjacent public, particularly in light of the fact that GBCPA presented a detailed request for such an analysis three years ago when scoping comments were solicited by the Corps from the public. It is an insult to the public that their honest request for information and analysis would be ignored when their health and even their lives are at stake. That is not full disclosure. That is not fair, unbiased analysis. The failure to include this analysis is clearly in violation of NEPA.

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### 3. CONFORMITY ANALYSIS

Under the federal Clean Air Act, conformity analysis must be undertaken to determine if federal projects or permits cause or contribute to a violation of the national ambient air quality standard. GBCPA urges that a conformity analysis must be

undertaken with regard to ozone and PM<sub>10</sub> and possibly with respect to PM<sub>2.5</sub>. These are discussed sequentially.

#### a. OZONE CONFORMITY

An ozone conformity analysis was included in the Bayport DEIS. Under federal law, a conformity determination must be made in the Houston-Galveston ozone non-attainment area if sources of nitrogen oxide (NO<sub>x</sub>) or volatile organic compounds (VOCs) exceed 25 tons per year. Amazingly, as shown on Table 3.12-11 of the Bayport DEIS, the Corps has estimated conformity-related NO<sub>x</sub> emissions at 24.9 tons in every year from 2002 to 2030. Therefore, according to the Corps, no conformity determination is necessary. Interestingly, the Shoal Point DEIS has a very different analysis. In the Shoal Point DEIS, the Bayport alternative is analyzed as generating 62.6 tons of NO<sub>x</sub> per year for conformity purposes in Phase I (Shoal Point DEIS, p. 4-159).

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However, the more important issue is the scope of the conformity determination. In the Bayport DEIS, the only NO<sub>x</sub> emissions evaluated for conformity purposes were those generated by the construction of the proposed container facility. No NO<sub>x</sub> emissions from the operation of the facility, including sources such as trucks, ships, rail and container movers, were considered in the conformity determination. If these operational NO<sub>x</sub> emissions were included, the NO<sub>x</sub> emissions would range from 163 tons per year in 2004 to 977 tons per year in 2007 (the ozone attainment date) to 4954 tons per year in 2030, representing a huge source of NO<sub>x</sub> emissions. There is no analysis or explanation of the relationship of the operational NO<sub>x</sub> emissions to the overall attainment and maintenance of the one hour ozone standard which is currently being violated.

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GBCPA urges that the Corps has misinterpreted the applicability of the general conformity requirements to a Section 10 permit. Instead, the Corps is applying the general conformity provision according to EPA guidance for a section 404 wetland fill situation, as per EPA guidance. The proposed Bayport container port is seeking a permit under Section 10 of the River and Harbor Act of 1899. There is a tremendous amount of difference between a §10 permit and a §404 permit, a difference that the Corps should clearly understand. If a §10 permit is issued, the Corps will be selecting the location of a port. By contrast, the issuance of a §404 permit, particularly for backland filling, is more in the nature of a veto permit rather than an enabling permit. An enabling permit such as is proposed for Bayport under §10 must accept responsibility under federal general conformity for both the construction and operational impacts generated by the facility enabled by the permit, in contrast to consideration of only the construction impacts associated with the filling of wetland areas. In this manner, the direct and indirect emissions required to be analyzed in 40 CFR 93.153(g)(1) can be correctly established for a §10 permit.

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23-136

#### b. PM<sub>10</sub> CONFORMITY DETERMINATION

According to the Bayport DEIS, the PM<sub>10</sub> 24-hour standard is currently being exceeded and the PM<sub>10</sub> annual standard is one microgram per cubic meter shy of being

tolled. Under the Clean Air Act, a conformity determination is required if the direct and indirect emissions associated with a facility cause or contribute to a violation of a national standard.

In the case of the proposed Bayport facility, based on the data in the Bayport DEIS, the 24-hour  $PM_{10}$  standard is currently being violated. The proposed Bayport facility will increase the ambient  $PM_{10}$  level over the 24-hour averaging period by at least 5 micrograms per cubic meter as shown in the attached figure compiled by Michael Hunt. In fact, Mr. Hunt's analysis is for  $PM_{2.5}$ , a subset of  $PM_{10}$ . Therefore, the  $PM_{10}$  impacts associated with the proposed Bayport facility would be greater than indicated in Mr. Hunt's analysis. See Figure I-6.

Similarly, Mr. Hunt has analyzed the impact of an increase in  $PM_{2.5}$  levels on an annual basis. Again, Mr. Hunt's results give a conservative analysis of the increase in  $PM_{10}$  levels, of which  $PM_{2.5}$  is a subpart. Mr. Hunt's analysis clearly shows an off-site increase of 3 micrograms per cubic meter. When this increase is added to the 49 micrograms per cubic meter that is identified as the current HGA level in the Bayport DEIS, the resulting level is 52, higher than the national standard of 50.

Therefore, the  $PM_{10}$  emissions from the site will cause a violation of the  $PM_{10}$  annual standard and contribute to a further violation of the  $PM_{10}$  24-hour standard, based on the conclusion included on page 3.12-3 of the Bayport DEIS. A general conformity analysis is therefore required. 7-89

#### 4. HAZARDOUS AIR POLLUTANTS

In addition to the fine particle components of diesel exhaust, diesel emissions contain other components that are classified as hazardous air pollutants. A list of these components is shown in Figure I-7. Many of these pollutants are emitted by refineries and petrochemical plants that are adjacent to the proposed Bayport container port. In scoping comments, GBCPA asked that the issue of hazardous air pollutants be addressed. We asked that the hazardous components of diesel emissions be evaluated. We asked that background levels of hazardous air pollutants be evaluated and that a determination be made of the consequences of existing levels being added to by proposed Bayport emissions. No such analysis was undertaken by the Corps. 7-90

Additionally, diesel emissions are classified by the State of California as hazardous due to the mutagenic effects of diesel pollution. GBCPA identified this issue in comments submitted to the Corps as part of the scoping process. Again, the request of GBCPA that an important health issue be evaluated was ignored by the Corps.

GBCPA urges the Corps that full disclosure of environmental impacts requires this issue to be evaluated and disclosed in the Bayport EIS. This issue would not be critical but for the fact that so many people live near this site. In the case of the proposed Bayport facility, over 5000 people live within one mile of the site with some of these residents being as near as a few hundred feet from the property boundaries. Diesel air

pollution has the potential to be hazardous. There are massive volumes of diesel air pollution that will occur if this proposed permit for the Bayport container port is issued. Full and fair disclosure requires that the impact of these hazardous pollutants on the adjacent residents be fully analyzed and understood.

7-90

### E. NOISE IMPACTS

There will be significant noise impacts from the proposed Bayport site into adjacent residential areas. These noise impacts were not analyzed correctly in the Bayport DEIS. To better understand noise issues, GBCPA retained Arno Bommer, a noise expert and modeler from the Houston firm of CSTI. Mr. Bommer has prepared an expert report that is included as a section of these comments. The following is a summary of his findings.

3-31

First, Mr. Bommer is of the opinion that noise criteria used by the Corps in the Bayport DEIS is improper. In the Bayport DEIS, the Corps used a noise level of 65Ldn, the standard used by the Federal Aviation Administration for determining that an airport was not compatible with adjacent residential areas. Other standards were not discussed in the Bayport DEIS, including the requirement of local ordinances from Shoreacres, Seabrook and LaPorte as well as the U.S. Environmental Protection Agency. A summary of these other levels is shown below:

3-31

<u>Entity Setting Noise Limit</u>	<u>Noise Limit</u>	<u>Comments</u>
HUD and FAA	65	Noise Limit used in Bayport DEIS
City of Seabrook	60	Ldn estimated from limit of 5dBA above ambient
City of Shoreacres	60	Ldn estimated from limit of 5 dBA above ambient
Environmental Protection Agency	55	Recommended for residential areas
World Health Organization	50 to 58	Ldn based on recommended daytime and nighttime levels
City of La Porte	54	Ldn based on octave band requirement
FAA and ANSI Standard S3.23		>65 is incompatible with residential living
State of California		>60 acceptable with special construction and closed windows
State of California	57-62	Threshold for sleep & speech interference with windows open

Mr. Bommer undertook noise monitoring and determined that existing ambient noise levels in the residential areas adjacent to Bayport are approximately 55 Ldn. In his



report, Mr. Bommer offers numerous criticisms of the work completed by the Corps in the Bayport DEIS. Among other things, the Corps did not explain their modeling of noise levels and did not extend their analysis to show profiles of noise levels within the community. By contrast, Mr. Bommer has undertaken 3-D modeling and has produced noise contour mapping throughout the affected community. Mr. Bommer assumed that the noise barrier adjacent to Toddville Road was in place on all three modeling scenarios. Mr. Bommer ran his analysis with differing wind directions. Additionally, Mr. Bommer has run his analysis with a noise barrier assumed to be in place on the north side of the Bayport channel.

3-37

The results of Mr. Bommer's modeling analysis are shown in Figures I-8, I-9, and I-10.

In the Bayport DEIS, there is discussion about placing a noise barrier on the north side of the Bayport channel to reduce noise levels. Mr. Bommer's modeling of this scenario is shown in all cases. In Figure I-8, he presents the results of his noise modeling with DEIS inputs and no wind conditions. The effectiveness of the noise barrier is clearly reduced by its distance from the source of the sound. Although there is some reduction immediately behind the barrier, noise levels in excess of 65 Ldn still occur in Shoreacres north of the channel. Essentially, the barrier only protects a few homes immediately behind the barrier and extensive negative impacts still occur within the communities to the north of the channel.

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In Figure I-9 with the wind from the southeast, residential areas in Shoreacres and a portion of LaPorte experience sound levels in excess of 65 Ldn with some residential areas experiencing in excess of 70 Ldn. These levels are unacceptable for residential habitation under the standard used by the Corps in the Bayport DEIS. A large residential area is shown in orange, indicating resulting sound levels in the 60 to 65 Ldn range, a level that is unacceptable under the ordinances of Seabrook, Shoreacres and LaPorte. Additionally, a large area of LaPorte experiences noise levels in excess of the 54 Ldn established as a residential standard by the City of LaPorte.

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Mr. Bommer's results with the wind from the northwest are shown in Figure I-10. In this scenario, the noise impact from Bayport extends much further into the residential communities to the south and east of the site. It is important here to note that the so-called noise barrier berm along Toddville Road is not effective in reducing sound levels because the source of the sound is removed from the barrier, thereby reducing the effectiveness of the barrier. Under this scenario, noise levels in excess of 65 Ldn occur north of the channel in LaPorte and Shoreacres and extend into El Jardin and Seabrook. By the Corps' standard, these areas are rendered unacceptable for residential usage. Additionally, noise levels between 60 and 65 Ldn extend far into El Jardin and Seabrook as well as into Shoreacres, in violation of the noise standard for LaPorte, Shoreacres and Seabrook. Noise levels between 55 and 60 Ldn also are extended far into Seabrook under this scenario.

3-38

Mr. Bommer also identifies certain other noise impacts that are not correctly analyzed in the Bayport DEIS. There is no discussion of short-term noise impacts and intermittent impacts associated with dropping container boxes. As set out in the report by Peter Brown, an expert land planner, residents near the Ports of Long Beach and Los Angeles are experiencing major problems from the noise associated with the movement and particularly the dropping of container boxes. This issue is not discussed in the Bayport DEIS.

3-39

The Bayport DEIS does not tell the truth about noise impacts to the community from the proposed Bayport container facility. These impacts will be extensive and some areas are rendered unusable for residential purposes. In turn, these noise levels will impact the viability of these residential communities that are adjacent to this proposed port.

#### F. LOCALIZED LAND USE IMPACTS

There is no analysis of the impact of the proposed Bayport container facility on local land use plans and patterns in the Bayport DEIS. The failure to analyze this issue is a major omission. GBCPA specifically asked in our scoping comments that the land use impacts of the proposed Bayport container facility be analyzed. The regulations of the Council on Environmental Quality specify that land use issues must be addressed in a procedurally correct environmental impact statement. At 40 CFR 1502.16(c) the regulations specify that potential conflicts between the land use plans of the community and the proposed action be discussed. At 40 CFR 1502.16(g), the regulations require that the impact of the proposed action on urban quality be discussed. The Bayport DEIS does not include such a discussion.

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GBCPA retained Lydia Jemison of New Orleans to evaluate the impact of the proposed facility on land uses immediately adjacent to the Bayport site. Ms. Jemison's analysis is clear and to the point. The proposed Bayport container facility is not compatible with the land use plans of the adjacent communities, including those with jurisdiction over the proposed site. Portions of the site are within the jurisdiction of the City of Seabrook. The zoning plan for the City of Seabrook specifies that these areas are light industrial. The Port of Houston's plan proposes rail for these areas, a use that is not allowed by the zoning ordinance. The proposed use of this area by the Port of Houston is not compatible with the local zoning ordinance.

4-39

Bayport is not compatible with local noise ordinances and adjacent land use patterns. Several hundred residences will be rendered unsuitable for habitation due to noise levels exceeding the HUD criterion of 65 Ldn. Over a thousand residences will be subjected to sound levels in excess of the levels specified in the noise ordinances of the cities where these residences are located.

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Additionally, there are the consequences associated with air pollution. According to the work completed by Dr. Fraser, Mr. Hunt and Dr. Kleinman, unacceptably high levels of particulate air pollution will affect over 8000 people who live near the Bayport

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site. According to Ms. Jemison, many of these people will choose to leave the area due to the potential for negative health effects. Additionally, traffic impacts and road construction, particularly at Shoreacres Blvd. and Red Bluff Road, will reinforce this decline of residential value.

Among Ms. Jemison's conclusions are the following:

- The largely residential nature of the development in the vicinity and surrounding the proposed port container terminal is in direct conflict with the introduction of a heavy industrial marine facility.
- All of the communities examined will experience negative indirect conflicts including air quality, noise emissions, traffic congestion due to the project at the Bayport site alternative.
- The character of this residential development includes sophisticated systems of recreational parks, open space and an appreciation for the environment in its natural state that also directly conflicts with a heavy industrial marine facility.
- None of the communities surveyed, envision heavy industrial development in their short range or long range land use scenarios in their respective comprehensive plans.
- With the exception of La Porte, none of the communities examined have zoning provisions for heavy industrial land use.
- With the exception noted above, the zoning ordinances examined in this document that do contain zoning provisions for industrial development specify "light" industrial uses with landscape, buffer and screening requirements and subject such uses to strict performance standards to maintain environmental quality in their respective communities. It is doubtful that the port container terminal at Bayport site could meet these performance standards and therefore directly conflicts with these requirements.
- The port container terminal proposed for Bayport has not been subjected to the local planning process, despite the fact that all of the communities examined will be affected by the project.
- Four of the five communities examined have taken formal action(s) in opposition to the Port of Houston Authority and/or the proposed port container terminal at Bayport site.

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Ultimately, the proposed Bayport container facility will have a lasting negative impact on local land use patterns. Land values will decline throughout the affected

portions of Shoreacres, La Porte, El Jardin and Seabrook. Over one thousand homes may be permanently lost for residential purposes. The impacts of the proposed Bayport container port will be significant and long-lasting. It will permanently alter the bay area.

### G. CUMULATIVE LAND USE IMPACTS – REGIONAL PATTERNS

Under the regulations of the Council on Environmental Quality:

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions. 40 CFR 1508.7

A procedurally correct environmental impact statement must analyze the cumulative effects associated with a proposed action. There are several actions that are reasonably foreseeable that will impact land use in the project area. See Figure I-11 for existing land use. Under the CEQ regulations, the impact of the proposed Bayport container facility should be evaluated in association with these reasonably foreseeable future actions. No such evaluation occurred with respect to land use impacts in the Bayport DEIS.

The Bayport DEIS identifies certain activities associated with the proposed Bayport container facility. Certain other activities are assumed to occur but are not evaluated from an environmental impact standpoint in the Bayport DEIS. Included among these activities that are assumed but not evaluated are the various transportation improvements identified in the transportation discussion by Mr. Short, including the construction of SH 146 from Fairmont Parkway southward through Seabrook, as well as associated frontage roads, grade separations and entrance and exit ramps. The impacts of these "improvements" were not evaluated in the Bayport DEIS. These road improvements are shown on Figure I-12.

Additionally, a partnership between the BNSF rail line and four area petrochemical companies has been formed to construct a project called the San Jacinto Rail Line. The San Jacinto Rail proposal extends from the Atofina Plant immediately adjacent to the proposed Bayport container facility through the Bayport Industrial District and then across open land north of Clear Lake City, passing below Ellington Field and joining with an existing Union Pacific Rail Line that parallels SH 3. Rail traffic from this project will carry hazardous chemicals and containers (if requested by a shipper due to common carrier status) and will move from the Bayport area across to the Union Pacific track and then move northward into the BNSF new south yard facility near Mykawa and Loop 610. This proposal is being evaluated by the Surface Transportation Board of the U.S. Department of Transportation and is the subject of an environmental impact statement that is currently under preparation. As such, the San Jacinto Rail proposal is at least a cumulative action as that term is used in 40 CFR 1505.25(a)(2) and should be

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analyzed in the same environmental impact statement as the proposed Bayport container port. The route of the proposed San Jacinto Rail project is shown on Figure I-13. 27-79

The cumulative land use impacts associated with these projects are extensive. As discussed previously, the proposed Bayport container port will have substantial and severe negative impacts on adjacent residential areas as shown in the figures associated with the air pollution and noise analysis as well as discussed in Lydia Jemison's analysis. Over 8000 residents adjacent to the Port will be negatively impacted by these issues and the traffic impacts and transportation construction will impact residential areas adjacent to SH 146 from Fairmont Parkway to Seabrook, simply exacerbating the container port's impacts. San Jacinto Rail will carry ethylene oxide and propylene oxide, two very hazardous chemicals. In the event of a derailment, the release of these constituents could cause evacuations within a mile on either side of the rail line, depending on the direction of the wind. The land area affected by both Bayport and San Jacinto Rail is shown in Figure I-14.

GBCPA asked Peter Brown, a land use planner and architect, to evaluate the impact of these cumulative impacts on land use patterns in southeast Harris County. A drawing showing his conclusions regarding regional impact is shown on Figure I-15. This diagram shows industrial development impacting residential development adjacent to Bayport and San Jacinto Rail, as well as reinforcing the industrial patterns already existing along SH 146. According to Mr. Brown, the residential integrity of Clear Lake City and El Lago as well as Seabrook, Shoreacres, La Porte and El Jardin will be negatively affected by these cumulative effects, ultimately leading to the loss of some 6 to 7 square miles of land that currently is attractive for residential purposes. The combination of San Jacinto Rail and Bayport effectively alters the land use pattern for southeast Harris County for decades to come. None of these impacts were disclosed in the Bayport DEIS.

Additionally, the San Jacinto Rail line will move northward along SH 3, also impacting residential and particularly schools adjacent to this rail line. There are over twenty-five schools within one mile of either the proposed Bayport container facility or the San Jacinto Rail Line. The location of these schools are shown on Figure I-16. There was no discussion of the impact of Bayport alone or the cumulative impact of Bayport and San Jacinto Rail on these school children.

After 2012, rail traffic is proposed to directly service the proposed Bayport container facility. The rail line is proposed to be constructed by the Port Terminal Railroad and will extend up SH 146, intersecting with the PTRR line that runs parallel to SH 225 and enters the Houston rail grid. No analysis was included of the impact of this rail traffic on residential areas in Houston's east end, particularly in combination with the increased rail traffic associated with San Jacinto Rail. A diagram showing the coincidence of these activities in space, as well as isolines of distance from these facilities, is shown in Figure I-17.

Peter Brown has also prepared a diagram shown in Figure I-18 describing his assessment of the impact of the full operation of the Bayport container facility with the full operation of the San Jacinto Rail line. Make no mistake about it. These two land uses have the potential to transform southeast Harris County permanently and negatively. None of these impacts were discussed in the DEIS.

## H. CUMULATIVE IMPACTS – ENVIRONMENTAL JUSTICE

In association with Peter Brown's analysis of cumulative land use impacts, GBCPA worked with Juan Parras, an environmental justice expert from the Texas Southern University – Thurgood Marshall School of Law environmental clinic, to develop an analysis of the environmental justice implications of the cumulative impacts of the proposed Bayport container port and the San Jacinto Rail Line. Mr. Parras notes that the Bayport DEIS did not analyze the impacts of truck or rail traffic in east and southeast Houston, even though southeast Houston is directly impacted by both.

Utilizing a Geographic Information System developed by GBCPA, Mr. Parras and Brian Pietruzewski identified census tracts that would be directly affected by the cumulative effects of Bayport and San Jacinto Rail. In all, twenty census tracts were identified that were within one mile of either the Bayport container facility, the Bayport-related rail or San Jacinto Rail. Consider the following table:

1990	Census Tract	Added Cancer Risk Per Million	% People of Color
	0301.02	1000 (Harris County Norm 570)	91
	0308.20	870	81
	0309.01	930	82
	0309.02	1000	91
	0309.03	1000	74
	0310.00	1400	95
	0311.00	1200	96
	0312.00	1200	97
	0313.01	1200	84
	0313.02	1200	81
	0314.01	760	98
	0319.01	970	78
	0320.02	1300	83
	0320.03	1300	71
	0321.01	1400	91
	0321.02	1600	96
	0321.03	2100	86
	0322.01	1600	17
	0323.01	1200	66
	0323.02	1100	65

These data are taken from the Environmental Defense web site. The point here is that the minority community is dominant in all but one of these tracts that are heavily impacted by the rail and truck-related aspects of Bayport and San Jacinto Rail. The cancer risk is higher in these communities than is the norm for Harris County. The monitoring stations showing the highest levels of both fine and coarse particulates are near these tracts. Yet, the Bayport DEIS does not discuss the impact of the Bayport container port on these communities.

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The major problem with the Bayport DEIS, apart from the fact that it does not include the cumulative impacts of San Jacinto Rail, is that no analysis at all was included of the off-site impacts of the rail traffic generated by the facility. The scope of the environmental justice analysis was drawn tightly around the Bayport facility and most residents adjacent to Bayport are anglo. However, there are consequences from Bayport in portions of southeast Harris County somewhat removed from the actual site. Those impacts, as well as the cumulative impacts, must be disclosed. If they are not, patterns of environmental injustice are destined to continue because we never reveal the truth. That is impermissible under NEPA.

## I. WETLAND IMPACTS

*NOTE. At the time of writing these comments, the Corps of Engineers Galveston District has announced that it is reconsidering its delineation of jurisdictional wetlands on the proposed Bayport container site. GBCPA notes that it gave an oral presentation of the information contained in these comments prior to the Corps determining to reconsider the jurisdictional wetlands. GBCPA has not been provided with the Corps' revised analysis of jurisdictional acreage. GBCPA is proceeding with these comments based upon its analysis of wetlands on the site.*

The initial problem with the wetlands analysis in the Bayport DEIS is that it incorrectly analyzes the extent of jurisdictional wetlands. The DEIS identifies that only 2.5 acres of jurisdictional wetlands are impacted by this permit application. GBCPA disagrees with this determination and urges that at least 30 acres of jurisdictional wetlands exist on site and will be impacted by the proposed Bayport container facility.

14-49

There is no dispute that substantial wetland acreage exists on the site proposed for the Bayport container facility. Various consultants and methodologies have determined that at least 100 acres of wetlands exist on the site. The DEIS identifies 106 acres utilizing an aerial photographic interpretation process. Work completed for the Bayport Master Plan by Lockwood Andrews and Newnam identifies approximately 100 acres of wetlands at the site. A field determination map by Berg-Oliver wetland consultants in 1998 found approximately 118 acres of wetlands and did not include the Sereau Tract in the analysis. The National Wetlands Inventory identifies over 160 acres of wetlands on the site.

The issue is – which, if any, of these wetlands are jurisdictional? GBCPA has carefully read and considered the U.S. Supreme Court case styled *Solid Waste Agency of*

*Northern Cook County v. U.S. Army Corps of Engineers*, 121 S.Ct. 675 (2001) (hereinafter called the SWNCC decision). GBCPA is of the opinion that the SWNCC decision does not rule out isolated wetlands as being jurisdictional. Indeed, SWNCC only held that migratory birds alone are not enough to confer jurisdiction on wetlands that are "isolated". In these comments, however, GBCPA is not arguing that the Corps should regulate the wetlands on the Bayport tract as "isolated" wetlands. Instead, GBCPA is arguing that many of the wetlands on the Bayport tract are adjacent wetlands as that term is used in the Corps regulatory jargon.

According to the DEIS, there are several ways for wetlands to be considered adjacent. If a wetland is in the 100 year flood plain of a water of the United States, then it is considered jurisdictional (DEIS, p. 3.19-2). If a wetland is connected to waters of the United States, then it is considered jurisdictional. This connection can be by surface water tributary or by ditch. (DEIS, p. 3.19-3). At the Bayport site, there are many acres of wetlands that are jurisdictional either due to these wetlands being in the 100 year flood plain or because they are connected to Pine Gully by ditches. Additionally, some wetlands through the Sereau tract may be directly connected to Galveston Bay.

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GBCPA hired Dr. John Jacob to review the wetland issue and to write a report on his findings. This report is included in these comments. Dr. Jacob is of the opinion that significantly more wetlands are jurisdictional than the 2.5 acres reported by the Corps in the Bayport DEIS.

First, there are wetlands located within the 100 year flood plain. Dr. Jacob used a Geographic Information System to overlay the FEMA 100 year flood plain with the wetlands that were identified in various surveys at the site. If the analysis of wetlands in the DEIS is overlaid with the 100 year flood plain from the Federal Emergency Management Agency (FEMA), the overlap between these two maps indicates that 8.8 acres of wetlands are jurisdictional (see Figure I-19). If the wetlands analysis from the LAN survey is overlaid with the 100 year flood plain, 22 acres of wetlands are jurisdictional (see Figure I-20), including a small acreage in the 100 year flood plain of Pine Gully in the southern portion of the site. If the Berg-Oliver wetlands are overlaid with the 100 year flood plain, 5.52 acres of wetlands are jurisdictional, as shown in Figure I-21. On this basis, GBCPA questions the Corps' determination that only 2.5 acres of wetlands/flood plain overlap exists at the site.

Second, many wetland areas in the central and south-central portion of the site are connected to Pine Gully by a series of ditches. These ditches were constructed in the early 1990s and are clear and obvious on aerial photos from the mid-1990s to today, as shown in Figure I-22. Dr. Jacob's interpretation of the ditch system at the site is shown in Figure I-23. The overlap with wetlands at the site as shown in the Bayport DEIS is shown in Figure I-24, in Figure I-25 for the wetlands identified in the LAN study and in Figure I-26, for the wetlands identified in the Berg-Oliver field survey. As shown in figure I-27, the United States Geological Survey (USGS) has included these ditches on its topographic map for League City that was revised in 1995.



As stated in the expert report from Larry Dunbar, a registered professional engineer and hydrologist, the inclusion of drainage ditches on the USGS map is determinative of their status as important physical features.

When the USGS ditch system is overlaid with the wetland system on the proposed Bayport container port site, substantial additional wetland acreage becomes jurisdictional. As shown on Figure I-28, when the ditch system on the USGS map is overlaid with the wetlands mapped in the DEIS, 14 acres of wetlands are directly connected to that ditch system. As shown in Figure I-29, when the LAN wetlands are overlaid with the USGS map ditches, 54 acres of wetlands are directly connected to that ditch. As shown in Figure I-30, when the ditch system is on the USGS map is overlaid with the wetlands mapped on the detailed Berg-Oliver delineation, 41 acres of wetlands are directly connected to that ditch system. At the least, GBCPA urges that 46.5 acres of wetlands must be considered jurisdictional because of their connection to waters of the United States by a ditch system as stated in the DEIS, based on the Berg-Oliver delineation. ] 14-50

In short, by at least two different methodologies, the reach of the jurisdictional wetlands have been shown to be much greater than described by the Corps of Engineers in their analysis in the DEIS. The analysis in the DEIS is deficient and must be redone. GBCPA submits that the true acreage of jurisdictional wetlands must be determined and disclosed. ] 14-50

GBCPA also is concerned about discrepancies regarding wetland acreage and analysis between the Bayport DEIS and the Shoal Point DEIS. Dr. Jacob's report identifies a major discrepancy between the two documents. In the Shoal Point DEIS, both the Bayport and Spillman Island sites were evaluated in the alternatives section. The Bayport DEIS identifies 2.5 jurisdictional acres at Bayport whereas the Shoal Point DEIS identifies 3.0 jurisdictional acres for Bayport, a minor but potentially important difference. However, a huge difference is indicated in the total wetland acreage impacted at each site. Here, the Bayport DEIS identifies that 207 acres would be impacted at Spillman's Island and 142 acres would be impacted at Shoal Point whereas the Shoal Point DEIS identifies that only 3 wetland acres would be impacted at Spillman's Island and 13 acres at Shoal Point. Apparently, the Galveston District in the Bayport DEIS concluded that the spoil disposal areas at Spillman's Island and Shoal Point were wetlands whereas the Galveston District in the Shoal Point DEIS concluded that the spoil disposal areas at Spillman's Island and Shoal Point were not wetlands. Corps guidance has always determined that active spoil disposal areas are not wetlands. By identifying such large wetland acreage at the two alternative sites, the Bayport DEIS has intentionally made the alternative sites look worse than the Bayport site from a wetlands perspective when that, in fact, is not true. ] 14-51

According to Dr. Jacob, the wetlands on the site of the proposed Bayport container facility are quite good, even though an attempt was made to drain these wetlands. These are naturally occurring, pimple mound wetlands that Dr. Jacob's considers to be of regional significance. Consider the following statements from Dr. Jacob's report:

The prairie pothole pimple mound complex represents an irreplaceable geologic legacy that is becoming increasingly rare. Because the few remaining pothole complexes are found mainly in urban fringe areas, such as the Bayport site, they are the most endangered of all wetland types on the Gulf Coast.

The Bayport wetland complex is one of the last few large prairie pothole complexes of significant extent on the Upper Gulf Coast of Texas. The extent of this complex is important because there are few complexes left that are large enough to be a functioning ecosystem. (Jacob report, Appendix 1).

There is no mention of the uniqueness of the Bayport wetlands in the Bayport DEIS. Instead, the Bayport site is represented as having fewer wetland acres impacted than is the case at Shoal Point and Spillmans Island when these alternative sites are currently being used for dredge spoil disposal. The wetlands at Bayport are clearly superior in quality and quantity to the wetlands at these alternative sites. As the Bayport DEIS is currently written, a material misrepresentation regarding wetlands occurs.

14-54

#### J. IMPACTS OF CONSTRUCTING 50+ FOOT CHANNEL

GBCPA urges that the Bayport DEIS is deficient because it failed to consider the deepening and widening of the existing Houston Ship Channel. In the permit application filed by the Port of Houston Authority, permission is requested to construct the wharves to a depth of 56 feet, even though the existing Bayport Channel is only authorized to 40 feet of depth and the Houston Ship Channel is only authorized to 45 feet of depth. GBCPA is concerned that the Port of Houston Authority will invest a substantial percentage of the \$1.2 billion construction cost of the proposed Bayport project and then announce to the Corps of Engineers that the facility must be served by deeper water to be competitive. That is a real concern given the design proposed by the Port of Houston Authority for the wharves. As such, they are assuming a deep water connection in the design of the wharves for the proposed Bayport facility.

20-38

The Corps of Engineers clearly identified that the future widening and deepening of the Houston Ship Channel was a reasonably foreseeable future action. On page 4-15 of the Bayport DEIS, the Corps states that "further deepening and widening of the HSC and its connecting channels would likely be necessary. . .". Additionally, the Corps states on p. 5-2 that numerous issues were identified in the scoping process and addressed in the DEIS, including "[T]he impacts of the proposed dredging on marine life in Galveston Bay, including the impacts of future deepening of the Houston Ship Channel and the Bayport Channel to at least 50 feet" (p. 5-4). But these impacts were not addressed despite this assertion by the Corps.

20-38

No serious analysis was made of the impacts of a fifty foot or deeper channel coming up into Galveston Bay as far as the Bayport Channel. As stated in the expert report by Dr. Robert McFarlane, a certified fisheries biologist and certified ecologist, the

Corps failed to address either the impact of dredging on marine organisms or the impact of the future deepening of the Houston Ship Channel (McFarlane Report, Section XIII(F)). 20-38

Most importantly in this regard, the impact of this widening upon oysters was not mentioned. In fact, the oyster reefs of Galveston Bay, which are immediately south of the Bayport channel, are not mentioned at all because the Corps used the wrong data source in the Bayport DEIS. The oyster reefs of Galveston Bay are extensive. According to Dr. McFarlane, "[T]he 36.8 square miles of oyster reef and shell-bearing mud are judged to be the largest oyster reef complex of any Gulf of Mexico estuary". (McFarlane Report, Section XIII(F), p.7). The Galveston Bay oyster reef complex is shown in Figure I-31.

The widening and deepening of a channel such as the Houston Ship Channel can increase salinity, according to Dr. McFarlane. Oysters are negatively affected by salinity because dermo predation increases with salinity. As shown in Figure I-32, when salinity levels increase to certain levels, the incidence of dermo disease increases. In this manner, an increase in salinity can cause a significant increase in dermo predation and may ultimately threaten the oyster fishery of Galveston Bay.

GBCPA urges that a full and fair disclosure of the impact of the widening and deepening of the Houston Ship Channel and the Bayport Channel be included in the Bayport EIS. Because this analysis was not included in the Bayport DEIS, even though requests for such an analysis were made in the scoping comments, such an analysis, with appropriate modeling, should be reported in a supplemental draft environmental impact statement and the public should be allowed to review and comment upon this analysis. 20-38

## K. NON-INDIGENOUS SPECIES

Another major aquatic impact issue associated with the proposed Bayport facility is the introduction of non-indigenous species through the release of ballast water from container ships. Although the Bayport DEIS identifies the issue of non-indigenous species, the DEIS fails to fully and fairly present this issue. 12-7  
12-26

The issue of non-indigenous species is addressed in the expert report of Dr. Robert McFarlane. Dr. McFarlane is very clear in his concern about introduced organisms:

Ballast-transmitted organisms are a form of biological pollution. Unlike threats that are posed by chemical or physical pollutants, biological pollution has permanent impacts. No foreign marine invasive species that has become established has been eradicated by artificial means, ever. The threats posed by invasive species are unlike any other pollution threat and so they must be addressed conservatively. (McFarlane Report, p. 2).

According to Dr. McFarlane, the analysis of this issue in the Bayport DEIS is deficient and unsatisfactory. Dr. McFarlane states that the Bayport DEIS has:

1. Failed to convey the magnitude of the potential problem,
2. Failed to describe the extent of damage of other estuary ecosystems caused by nonindigenous species,
3. Failed to describe the threat to public health that ballast water discharge represents,
4. Failed to describe the high economic costs resulting from the introduction of exotic species in other ecosystems,
5. Failed to note that the rate of exotic species introductions has been accelerating,
6. Failed to note that dredging activity, such as that accompanying channel enlargement, creates disturbed habitats that increases opportunities for the successful introduction of nonindigenous species,
7. Failed to quantify the existing total discharge of ballast water into Galveston Bay,
8. Failed to quantify typical ballast water capacity for various types of vessels, including containerhips and cruise ships,
9. Failed to quantify the estimated increase in ballast water discharge due to the project,
10. Failed to distinguish between importing and exporting ship traffic, which would greatly affect estimates of ballast water discharge,
11. Failed to note the failure of the voluntary ballast water management program,
12. Failed to determine that any increase in ballast water discharge is a significant, long-term impact, and
13. Failed to describe measures that the Port of Houston can implement to reduce, eliminate or mitigate these impacts.

The treatment of this issue is not proportionate to the extent of the potential problem that could arise from ballast water discharge. A survey of nonindigenous species in Galveston Bay should be performed and a full analysis conducted. 12-8  
12-26

#### L. WATER QUALITY IMPACTS

There are several problems with the analysis of water quality impacts resulting from dredging activities. The Bayport DEIS states the obvious conclusion that turbidity will increase on p. 3.17-45. However, the increase in turbidity and the relationship between this turbidity increase and water quality standards is never explored or explained. 9-21

Second, the Corps applied improper standards in its evaluation of chemical resuspension issues associated with dredging. In Table A3.17-28, water quality standards are improperly used as a proxy for sediment standards. Instead of water quality standards, sediment standards should be applied to determine the impact of chemical 9-22

resuspension, which is ultimately an issue associated with chemical deposition in sediments.

9-22

Third, the incremental impact of many pollutants added by the proposed Bayport container port have not been identified and evaluated. Corps data collected at the Port of Houston's existing Barbers Cut facility indicate that Total Petroleum Hydrocarbon levels are approximately 100 mg/l, much higher than the typical NPDES permit levels. Rather than examining the Barbers Cut data and utilizing it to aid in understanding the impact of Bayport, the Corps ignores this data, choosing instead to make summary statements that no impacts are expected when such a conclusion cannot be reconciled with existing data from Barbers Cut. A fair and complete water quality impact analysis should be undertaken.

9-23

Further, the impact of filling the various wetland areas is not disclosed in the Bayport DEIS. Whether or not these wetlands are jurisdictional, they are wetlands and they do affect water quality. At the current time, stormwater runoff from the portions of the site south of Port Road drain to the south. This drainage pattern is affirmed in the expert report of John Jacob. At the current time, stormwater flows through the wetlands and from there into Pine Gully. In this manner, the wetlands have the opportunity to remove pollutants. After completion of the Bayport facility, runoff into Pine Gully will be from a rail yard. No discussion is included in the Bayport DEIS of the quantitative difference in the quality of the runoff under existing conditions and with the Bayport proposed facility.

9-24

9-24

#### M. DREDGING ISSUES

There are major issues associated with the treatment of dredging issues in the Bayport DEIS. First, volumes and disposal sites are not specified for the various alternative sites. Secondly, important considerations, such as beneficial use of dredge spoil, are allowed for the Bayport site in the Bayport DEIS but are not allowed for other alternatives. Indeed, there is a contradiction between the analysis set forth in the Shoal Point DEIS and the analysis in the Bayport DEIS. Of particular importance here is the fact that the dredge disposal activity at Shoal Point in the Shoal Point DEIS proposes to undertake beneficial use of dredged spoil whereas the Bayport DEIS assumes that no beneficial use of spoil material occurs at the Shoal Point site. Essentially, assumptions are made that put the Shoal Point and Spillman Island alternatives in the worst possible light rather than attempting to create viable alternative propositions. Such a biased analysis is impermissible.

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#### N. ANALYSIS OF ALTERNATIVES

One of the most critical aspects of an environmental impact statement is the identification and evaluation of alternatives. Additionally, an analysis of alternatives is required under the 404(b)(1) guidelines that control the issuance of §404 permits by the Corps of Engineers. These two different programs are discussed below.

## 1. NEPA ALTERNATIVES ANALYSIS

According to the Council on Environmental Quality, the analysis of alternatives is the "heart of the environmental impact statement" (40 CFR 1502.14). Of particular importance are different ways of achieving project purposes as well as different locations and different operational assumptions. The purpose of the alternatives analysis under NEPA is to determine whether or not the overall project goals can be achieved with less environmental damage and at less cost.

The analysis of alternatives in the Bayport DEIS fails to meet the NEPA and CEQ standards. Rather than being open and inclusive of various concepts, the analysis of alternatives in the Bayport DEIS is biased and exclusive. GBCPA asked Dr. Polly Ledvina, a scientist and planner, to assist us in evaluating alternatives. Dr. Ledvina has come up with an excellent discussion of alternatives that is included as part of these comments.

23-145

### a. No Action Alternative

The no action alternative is unrealistic and biased and fails to correctly anticipate a likely future for this site. No explanation or data or forecasts supporting this future is set out. Instead, assumptions are simply made that create a bleak future for this site if the Bayport container port is not constructed.

There are at least four major problems in the no action alternative in the Bayport DEIS. First, the Port of Houston Authority had initially proposed the use of 500+ acres of the proposed site for the disposal of dredged spoil. This is the reasonable use of at least one-half of the land under a no action alternative. This is what the land was purchased for. This is a reasonable use of the land in the future.

Second, heavy industrial use of a portion of this land is prohibited by the zoning ordinance of the City of Seabrook as set out in the analysis by GBCPA consultant Lydia Jemison. At the least, the land in Seabrook is not available for heavy industrial use.

2-139

Third, some of the land proposed for the Bayport container port is not owned by the Port of Houston. For example, the area proposed for the cruise terminal is owned by Glenn Seureau. At the least, the Seureau family should be contacted to determine their goals for their property, as should other landowners other than the Port of Houston Authority.

Fourth, heavy industrial development assumed in the Bayport DEIS requires extensive air quality permitting. The Houston area is non-attainment for the 1-hour ozone standard and data included in the Bayport DEIS and in these comments by GBCPA indicate major attainment issues regarding the PM<sub>10</sub> 24-hour and annual standard and the PM<sub>2.5</sub> annual standard. No explanation of these permitting issues is provided to support the no action alternative.

The no action alternative presented in the DEIS is not valid. It attempts to rationalize the use of the Bayport site as a container port by making the alternative future appear worse than is the likely reality. Such a prospect is not a reasonable no action alternative. It is simply made up – a fiction – yet an important fiction that totally biases the site selection process.

GBCPA asks that the Corps reconsider the no action alternative for the proposed Bayport site. At the least, the Corps should fully explain the development assumptions included in the no action alternative, including explicit identification of the scale and type of industrialization foreseen. Most importantly, the Corps must provide some type of analysis supporting this expansion. Today, some petrochemical companies are having difficulty. Chlorinated plastics are down. Polyethylene is down. Propylene-derived products are holding, but significant expansion appears doubtful. What type of expansion is foreseen in this no action alternative? What data supports this assumption?

2-139

GBCPA has been told that the only reason this no action alternative was written in the manner that it was is that the Port of Houston insisted on this. GBCPA has been told that the Corps' consultant, URS Grenier Woodward Clyde, resisted this no action alternative, but to no avail.

The Port of Houston is an applicant for a permit. They are not the final authority. Although they do not act like it, they are a regulated entity. On the other hand, the Corps is the regulator. The Corps' responsibility is to require a fair, unbiased analysis. Such an unbiased analysis did not occur in the analysis of the no action alternative in the Bayport DEIS.

In reconsidering the no action alternative, the Corps should collect data about the usage of sites where actions have been proposed and then not pursued due to environmental opposition. Take, for instance, Virginia Point, the site of the proposed Texas copper smelter. Today, much of Virginia Point is being purchased by Scenic Galveston for preservation. Or take the Wallisville Reservoir site, for example. Today, the Wallisville site is not being used for reservoir purposes due to the adoption of a non-reservoir alternative, a form of no action. Instead, it is a recreation area that is used by the public. Therefore, in one notable situation, no action led to preservation and, in another, all but one small piece of the river channel was protected. These are examples of what happens when controversy attaches to a project site, and compromises are made.

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#### b. Comparative analysis of alternative sites

GBCPA also asked Dr. Polly Ledvina, a scientist and planner, to assist us in evaluating alternatives. Dr. Ledvina has come up with an excellent discussion of alternatives that is included as part of these comments.

An initial concern of Dr. Ledvina is that the Bayport DEIS requires that a cruise terminal be located with a container port. There is absolutely no planning literature that supports a functional connection between a container port and a cruise terminal. In fact,

2-142

the cruise terminal could be located in Galveston which makes more sense in many respects, therefore freeing the alternative analysis from an unnecessary incremental impact. According to Dr. Ledvina:

When combinations of sites were evaluated, the option of splitting the cruise terminal and container terminal should have been considered. Segregated, the two operations could have been located at sites most ideally suited for their own individual specific needs and impacts. . . .

2-142

This serious flaw in the analysis predisposed the outcome of the selection process in two important ways. First, on a logistical basis alone, it guaranteed the elimination of all the presented Combination Site alternatives. . . .

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There is another very important way that not segregating the cruise and container terminals predisposed the outcome of the site selection and justification process. The much larger footprint and additional water frontage required by a joint operation, as opposed to either operation alone, places strong selective pressure against alternative sites that are active Dredge Material Placement Areas (DMPA)(Shoal Point, Spilman Island, Pelican Island). . . .

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Essentially, the Corps allowed the Port of Houston Authority to establish a concept for joined cruise and container facilities that caused the elimination of sites that were otherwise viable. NEPA law is clear. Alternative locations for the cruise facility and the container facility must be analyzed even if that is not preferred by the Port of Houston Authority. Applicants for permits have tried for years to eliminate regulatory limits by narrowly defining a project in a manner that eliminates all other alternative sites. The Port of Houston should not be allowed to bias the analysis by insisting that the cruise and container operations occur at the same site when in fact there is no functional reason for them to be co-located.

2-142

A similar problem exists with regard to the footprint of the proposed site. There is no reason why a container port needs to occupy over 1000 acres of land to handle containers from seven wharves. As presented in the Shoal Point DEIS, a six wharf alternative requires only 400 acres whereas over 1000 acres is required for the seven wharf Shoal Point alternative in the Bayport DEIS. That is a huge discrepancy, one that must be reconciled by developing a second set of Bayport/Shoal Point/Spilman Island alternative configurations.

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Similarly, in the Shoal Point DEIS, the Spilman Island alternative is shown both with a smaller footprint and oriented to the Houston Ship Channel rather than away from the Channel. This change in orientation makes a major difference in the amount of dredging required at Spilman Island and in the amount of dredge spoil disposal required at Spilman Island. Further, the Bayport DEIS fails to assume beneficial use of spoil

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material for alternatives other than the Bayport site, thereby further biasing the analysis in favor of Bayport and away from either Spilmans Island or Shoal Point.

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Graphics showing the differing layouts and their different footprints are attached. In Figure I-33, the container and cruise terminal layout at Spilman Island is shown as described in the Bayport DEIS. In Figure I-34, a seven-wharf container port is laid out in a manner that minimizes dredging and site coverage at Spilman Island. In Figure I-35, the Spilman Island alternative from the Shoal Point DEIS is set out. There is a tremendous difference in the impact between the Bayport DEIS and these two other configurations.

By producing two DEISs – one for Shoal Point and one for Bayport – that contradict each other and present very different alternatives for analysis, the Corps has demonstrated bias and a fundamental failure to understand the requirements of the National Environmental Policy Act. NEPA is about honest and full disclosure and a fair, unbiased presentation of alternative courses of action. Such an analysis was not presented in the Bayport DEIS.

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Similarly, the tables that summarize the relative benefits and costs of each of the alternatives are skewed and do not tell the truth about the alternatives. Dr. Ledvina has produced a table that provides a comparative analysis of alternatives that is included at Attachment A to her report. This comparative analysis indicates that Spilman Island is an excellent alternative superior in virtually every respect to Bayport as is Shoal Point. Bayport is a poor third choice for the location of this proposed container port.

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2-153

Finally, Dr. Ledvina identified an alternative that is more technologically advanced and sophisticated than current container ports. This alternative – called SPEEDPORT – is a concept developed by ACTA Maritime Development Corporation. Speedport is a fundamentally different type of port, one that minimizes land area and maximizes speed and efficiency of operation. The layout of SPEEDPORT is shown on Figure I-36.

Operational schematics related to SPEEDPORT are shown on Figure I-37. Container ships enter an enclosed space overlain by beams that cover each row of containers on the ship. Container moving devices, called Spiders, pick up the containers and move them to the forward end of the enclosure where intermodal transportation connections occur. This alternative has the potential to greatly improve efficiency. It should be evaluated seriously, along with other advances in technology.

## 2. 404(b)(1) ALTERNATIVES ANALYSIS

Under the regulations of the Corps of Engineers, no §404 permit may be issued by the Corps unless that permit meets the requirements of the 404(b)(1) guidelines. 40 CFR 230.10 contains the restrictions on discharge under the 404(b)(1) guidelines. GBCPA submits that an unbiased analysis of alternatives under the criteria of the 404(b)(1)

guidelines will lead to the rejection of the Bayport site for failure to conform to the requirements of the 404(b)(1) guidelines.

a. 40 CFR 230.10(a)

40 CFR 230.10(a) states that no discharge of dredge or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. GBCPA submits that alternative sites exist that have less adverse impact on the aquatic ecosystem.

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There are several levels to GBCPA's assertion that less damaging alternatives exist. First, GBCPA references the Shoal Point DEIS. In the Shoal Point DEIS and in the GBCPA alternative analysis by Dr. Ledvina, a different site layout is proposed, one that takes up less land area while providing approximately the same container throughput. In other words, the same amount of commerce flows through a site with a smaller "footprint".

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This smaller "footprint" is important because it minimizes the impact of container facility development at both the Bayport site and at alternative sites. This, in turn, has a direct bearing on the analysis of alternatives under 404(b)(1). For example, as shown in Table 1 on Dr. Jacob's report, the Bayport DEIS identifies Bayport impacting a total of 104 acres of wetlands whereas the Shoal Point DEIS identifies Bayport as impacting only 38 acres of wetlands. Stated otherwise, the Shoal Point and GBCPA smaller footprint alternative is less damaging to the aquatic environment than is the alternative set out in the Bayport DEIS. In Figure I-38, the Bayport footprint from the Shoal Point DEIS is shown.

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A literal reading of the 404(b)(1) guidelines would compel the adoption of the smaller footprint because it impacts fewer wetland resources at the Bayport site while still providing for either six or seven wharves, depending upon whether the Shoal Point DEIS alternative or the GBCPA alternative at the Bayport site is utilized.

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Perhaps more importantly, the Shoal Point DEIS shows Shoal Point only impacting 13 acres of wetlands and Spillman's Island only impacting 3 acres compared to the Bayport DEIS that shows Shoal Point impacting 142 acres of wetlands and Spillman's Island impacting 207 acres of wetlands. It is hard to imagine that the Galveston District of the Corps of Engineers has produced two DEIS within months of each other that are so disconnected and contradictory. How is it that the Shoal Point DEIS has managed to minimize impacts whereas the Bayport DEIS has managed to make the impacts at other sites extremely high? This contradictory analysis must be rejected as arbitrary and biased.

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It appears as though the Bayport DEIS counted the Shoal Point and Spillman Island dredged material placement areas (DMPAs) as wetlands whereas the Shoal Point DEIS did not consider DMPAs to be wetlands for impact statement purposes. In the past,

14-51

the Corps of Engineers has not considered wetland vegetation occurring within active or inactive but not decommissioned DMPAs to be wetlands.

Given that a private applicant at the Shoal Point site has requested a permit to construct a site with the smaller footprint, the conclusion is warranted that the smaller footprint meets the practicable alternatives test. This smaller footprint is available and capable of being done, as evidenced by a private permit application. It works from a logistics, cost and technology standpoint, again given a private application that incorporates this alternative. The smaller footprint alternative is indeed a practicable alternative.

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Therefore, the major question is whether or not the impacts on the aquatic ecosystem of the Bayport proposal are more or less damaging than either the impacts at other sites or the impacts of the smaller footprint. To some extent, the answer to this question rests upon whether the impact on the aquatic ecosystem is based upon a full analysis of wetland acreage or is limited to jurisdictional acreage. In turn, this question emphasizes the importance of a correct jurisdictional analysis by the Corps. If the jurisdictional acreage is adjusted as set out in Dr. Jacob's report, then Bayport, at over thirty acres, will have more jurisdictional acreage than either Shoal Point at 13 acres or Spillman's Island at 3 acres. In turn, based upon the prohibitions on discharge, the proposed Bayport site must be rejected because alternative sites and/or alternative configurations exist that are less damaging to the aquatic ecosystem.

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#### b. 40 CFR 230.10(c)

40 CFR 230.10(c) prohibits the discharge of dredge or fill material that will cause or contribute to significant degradation of the waters of the United States. Appendix 1 of the report by Dr. Jacob states the following:

The Bayport wetland complex is one of the last large prairie pothole complexes of significant extent on the Upper Gulf Coast of Texas. The extent of this complex is important because there are few complexes left that are large enough to be a functioning ecosystem.

\* \* \*

The Bayport DEIS makes no distinction about the quality of the wetlands between the different sites. The report treats them all equally, distinguished only by quantity. To consider the wetlands on the Bayport site in the same category as those at the Pelican Island and Shoal Point sites evidences a considerable lack of knowledge of local wetland resources. (Jacob Report, Appendix 1).

The wetlands on the Bayport site are unique and are important to the aquatic ecosystem of Galveston Bay. By contrast, the wetlands at Pelican Island, Shoal Point and

14-51

Spilman's Island are within dredge disposal areas. To consider these wetlands to be the same as the wetlands at the Bayport site is a gross injustice and scientific error.

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The purpose of §230.10(c) was to identify the significance of certain wetlands in comparison to others. It was to make the comparison of alternative sites meaningful and it was intended to protect important aquatic resources. The wetlands at Bayport are important. They should be protected.

**c. 40 CFR 230.10(d)**

Under 40 CFR 230.10(d), a permit to discharge into wetland areas should be denied unless all practicable mitigation steps have been undertaken. This analysis should be undertaken in conjunction with the Memorandum of Understanding (MOU) between the Corps and the EPA whereby it was agreed that wetlands are to be avoided if possible and that the extent of the fill should be minimized. Only after avoidance and minimization have been completed can the applicant turn to mitigation to offset the impacts of the action on the site.

From a mitigation standpoint, the first important point is that substantial acreage of wetlands can be avoided if the alternative site footprint from the Shoal Point DEIS is utilized rather than the Bayport DEIS footprint. This alternative footprint should be required in order to avoid the wetland areas in the central and southern portions of the site south of Port Road.

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Second, the acreage of wetlands that will be impacted from the filling activity must be accurately assessed. If the alternative footprint is utilized, then approximately 22 acres of wetlands will be filled. This is the number of acres that must be mitigated. It is against both the rules and policy of the Corps and EPA to allow mitigation to be utilized to offset wetland filling when a less damaging alternative site is available.

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**O. CONCLUSION**

GBCPA has documented in situation after situation that the Bayport DEIS either omits important issues or is simply wrong. The Bayport DEIS has failed absolutely to offer the valid starting point in the evaluation of impacts that a DEIS is intended to offer under the National Environmental Policy Act. GBCPA is of the opinion that Supplemental DEIS must be prepared that examines the omitted issues and corrects the erroneous analyses, offering then a viable set of impacts and alternatives for public review and comment. The public and the agencies have a right to review and comment on a reasonably accurate document. The Bayport DEIS fails miserably and should be redone and reissued as a Supplemental DEIS.

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# Galveston Bay Conservation & Preservation Association

## MAIN VOLUME OF COMMENTS

## GIS Note

Geographic Information System (GIS) software was used to produce many images and a few calculations in this document. The software used was ESRI ArcView version 3.2a for Microsoft Windows versions 95 and above. The map projection used by data files enclosed on CD as part of these comments was NAD 83 Texas South Central zone, and the units were in feet.

GIS software was used for 3 primary tasks other than simply overlaying data layers to produce images.

### **Block-level 2000 Census population calculations**

In many cases, it was useful to determine the number of persons living within a given impact zone or a given radius. For these cases the census blocks from year 2000 for Harris or Galveston County as applicable were first input. Then, the given radius or zone demarcating data layer was first input into the view. Next, a polygon theme was created based on the outline of the given radius or zone demarcating data layer. The "select by theme" tool was then used to select the census blocks contained by the polygon theme. At times, census blocks that extended partially outside the polygon were selected. To correct for this, it was first determined if a block was more than 50% inside or outside the polygon. Then, these corrections were ground truthed using aerial photographs. In instances where the clear majority of population in a block resided within the polygon, but the block extended outside the polygon, the block was selected for the population calculation; otherwise, it was not. The selected blocks were then made into their own shapefile, and using Microsoft Excel to open the new shapefile's accompanying DBASE4 (dbf) files, it was possible to sum the population of each block and arrive at a total figure.

### **Wetland area calculations**

Wetlands and drainage features were digitized and made into shapefiles from at scale maps or directly from expert aerial photographic interpretation. The drainage and wetland themes were then overlain in the same view. The "select by theme" tool was used to select wetlands intersected by drainage features. Using the exact same procedure as for the census blocks above, a new shapefile was made from these selected wetlands. Microsoft Excel was used to read the dbf files and sum the areas of the wetlands intersected by the drainage features.

### **Land use projections**

After digitizing at scale drawings by land use expert Peter H. Brown, GIS experts at the Gulf Coast Institute used ArcView's Xtools extension to check that the total land area remained consistent with both Mr. Brown's cumulative impact analysis and with the illustrative projections he included with his analysis. The extension verified that land areas for each interval remained consistent, and that inconsistent land use changes over horizon years – such as open space to industrial back to open space – did not occur.

Items for incorporation by reference  
into Administrative Record for DA Permit App 21520

GBCPA hereby incorporates the following supporting documents for these DEIS and Public Interest comments into its submission, and thus, into the Administrative Record for Army Department permit application, by virtue of their reference here:

All filings, decisions, letters, comments, and all other materials contained in the administrative record for U.S. Surface Transportation Board proceeding Finance Docket number 34079 (San Jacinto Rail)

EPA Final Criteria Document for Particulate Matter (1996), 13 chapters, 5 appendices – <http://www.epa.gov/ttn/caaa/t1cd.html>

California Air Resources Board - Adequacy of California Ambient Air Quality Standards, Final Report resulting from the ARB Board Meeting of December 7-8, 2000 - <ftp://ftp.arb.ca.gov/carbis/ch/ceh/001207/pmsul.PDF>

California Air Resources Board – California Ambient Air Quality Standards for Particulate Matter and Sulfates, Report to the Air Quality Advisory Committee (December 2001), 10 chapters, 16 appendices - <http://arbis.arb.ca.gov/research/aaqs/std-rs/pm-draft/pm-draft.htm>

California Air Resources Board Final Health Risk Assessment for Diesel Exhaust (May 1998), 453 pgs – <ftp://ftp.arb.ca.gov/carbis/regact/diesltac/partb.pdf>

2025 Metropolitan Transportation Plan, Houston-Galveston Area Council – in preparation - <http://www.2025plan.org/info/info.html>

2022 Metropolitan Transportation Plan, Houston-Galveston Area Council. Main document, executive summary, public comments, and 4 appendices, available for download at <http://www.2025plan.org/info/info.html>

2000-2002 Transportation Improvement Plan, Houston-Galveston Area Council, <http://www.hgac.cog.tx.us/transportation/pdfs/2000tip/2000-02tip.pdf>

Texas Department of Transportation, State Highway 146 Major Investment Study

Draft Environmental Impact Statement, Bayport Marine Terminal, U.S. Army Corps of Engineers, Galveston District (November 2001), Army Department Permit Application No. 21520, <http://www.swg.usace.army.mil/reg/pha/DEIS/MainPage.pdf>

Draft Environmental Impact Statement, Shoal Point Container Terminal, U.S. Army Corps of Engineers, Galveston District (January 2002), Army Department Permit Application No. 21979, <http://www.swg.usace.army.mil/reg/txcity/deis.htm>

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## Malfeasance

The permit process thus far has been characterized by extreme malfeasance and attempts to subvert the NEPA process by the applicant. GBCPA has noted some such concerns to the Corps in previous letters included in the administrative record for this permit application. Additional information has been received by GBCPA that is hereby submitted as part of these comments.

### **Attachment 1 – Memo, Laura Fiffick, PHA, to William Wachel, PHA, and Steve DeWolf, PHA**

The first sentence in the first bulleted point, “The southern rail access will be shown as an essential part of the project” raises questions as to why it would otherwise not be shown. Appendix IV-C to the transportation section and GBCPA’s transportation comments emphasize the importance of this concern, because it is likely that PHA removed the northern (Port Road) part of its initially proposed rail loop along SH 146, Port Road, and the south access road to allow industries in the Bayport Loop to seek a competitive rail option. Appendix IV-C-13 explains this in greater detail. That option has now arrived in the form the proposed San Jacinto Rail line. If these unseemly coincidences in time and space are related or have cumulative impacts, as GBCPA is of the opinion, then the two proposals should be analyzed in a combined environmental impact statement.

### **Attachment 2 – Verified statements of Ellyn Roof and Joan L. McMillan**

The Corps published the Public Notice on November 9, 2001, before the DEIS was actually ready for distribution. As such, the Public Notice made a false representation that citizens could actually obtain the document from the contact provided. The primary reason for hurrying the public notice was to meet the required 30-day public notice comment deadline, which was to close the day before the only public meeting on the project, scheduled for December 12, 2001 at the George R. Brown convention center. The fact that the public notice comment deadline was to close the day before the public meeting was in and of itself an indication of extreme malfeasance, but was later fortunately changed to match the DEIS deadlines.

Of greater concern, however, was the fact that citizens could not obtain the document until a week after the Public Notice was printed, giving them even less time to review it over the holidays before the public meeting. The verified statements of Ms. Roof and Ms. McMillan attest to their being denied the document despite visiting the Corps offices in person as late as 6 days after the notice was published.

### **Attachment 3 – Port of Houston Authority agenda, January 28, 2002**

This attachment shows the applicant involved in litigation to condemn land of a private citizen, Glenn Emile Seureau II, shown as part of its project on its permit application. The applicant did not own the land prior to submitting the original permit application in October 1998, nor did it own it when it submitted two subsequent revisions to that application in



## Need and Purpose

There are several issues about need and purpose that have not been adequately determined. First, the Corps has not made an independent analysis of the need for this proposed Bayport facility. Such an analysis must be undertaken. There are currently two proposals to construct container ports in the Galveston Bay system – the Bayport proposal by the Port of Houston Authority and the Shoal Point proposal by the City of Texas City. These two container proposals are in addition to the existing Barbours Cut facility where the cranes that unload container ships are operating at much less than full capacity. Additionally, there is a federal project proposed by the Port of Corpus Christi that was discussed at the recent Coastal Conference of the Texas General Land Office where the Port of Corpus Christi identified that they had plans to construct a container port in association with a channel proposed to be constructed by the federal government. Additionally, the Port of New Orleans has extensive plans for an expansion of their container business. GBCPA has been told that the Port of Brownsville is also seeking a new container port.

How many container ports are needed in the western Gulf of Mexico is a reasonable question – one that is central to the analysis of alternative locations for this facility. One purpose of an environmental impact statement is to clearly identify the types of impacts that are likely to occur and to identify reasonable alternative courses of action. In order to make this determination, it is important that a true understanding of the need for new container ports be made. One of the worst environmental impacts would occur if land were developed for a container port that had no business. It is certainly possible that one or more ports may be constructed that are unnecessary, given the large number of proposals for container ports in the western Gulf of Mexico. At the least, a thorough analysis of the various proposed container ports should be set out in the EIS in order to provide a basis for understanding the threat of superfluous ports being constructed.

Second, the Corps must take a hard look at the “need” for a container port and a cruise terminal together. The Port of Houston Authority has applied to build both at one location, despite admitting on page 2 of attachment 1 and page 2 of attachment 2 to this section that the venture is at best speculative. As far as GBCPA has been able to determine, there is no functional relationship for the combination of these two proposed actions. Indeed, the cruise terminals could be constructed in Galveston and the container terminal constructed at Spilman’s Island, for example. The linkage of the container and cruise terminal biases the outcome of the alternatives analysis by requiring more land area than is available at any location other than Bayport at a reasonable development cost. This is impermissible under the National Environmental Policy Act.

The Corps must act to insure that full and fair disclosure occurs. That is what is required. The Port of Houston Authority is attempting to force a particular alternative to be analyzed to the exclusion of other, more reasonable alternatives that will have less environmental damage. Therefore, unless a compelling “need” can be demonstrated for

**PORT AUTHORITY PLANS DISREGARD  
THE HISTORY OF BAYPORT CHANNEL AS  
PART OF A CAREFULLY PLANNED COMMUNITY<sup>1</sup>**

By: Harvill E. Weller, Jr.  
Attorney and Resident In the Bay Area Since 1972

1. The Setting

From the 1930's to the 1950's, Humble Oil & Refining Company (later Exxon), owned the 30,000 acre West Ranch, in southeast Harris County, and worked it as an oil field. In the late '50's, with the oil field depleted, Humble decided to develop the property for other uses. A portion of the land was donated to Rice University, which entered into a long-term lease with the National Aeronautics and Space Association (NASA) for the creation of the Johnson Space Center in 1962. The second large tract was designated for residential development at Clear Lake City (which included undeveloped parts of Taylor Lake Village, El Lago and Pasadena). (See Exhibit 60, Clear Lake Forest and "sold to other developer" areas around Taylor Lake.) A third tract of 7,250 acres was to be developed as an industrial park known as Bayport Industrial District ("BID"). (Exhibit 1) Already existing at that site were surrounding communities in Red Bluff (El Jardin/Pasadena), Shoreacres, LaPorte, Seabrook, El Lago and Taylor Lake Village. (Exhibit 2 at 4; Exhibit 3; Exhibit 60) This was all projected to be a carefully planned, environmentally balanced community. The plan recognized the fragile balance to be maintained if a growing industrial community was to be juxtaposed with existing and developing residential areas. (Exhibits 3 and 4)

2. The Promises

1. Representations Were Made to the Public In Brochures

In 1964 and 1965, Humble Land Development Division (later Friendswood Development Company, a wholly owned subsidiary of Exxon) produced brochures in the Bay Area community for existing and future residential and commercial landowners and large corporations, inviting all to acquire land in this planned community. (Exhibits 3 and 4) These brochures made many representations to the public. In addition, the Port of Houston Authority ("PHA") and Humble/Exxon entered into numerous contracts and collaborated on

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<sup>1</sup> This history is based almost exclusively on documents obtained from the Port of Houston Authority by Open Records Request.

Section IV-A

Attachment 1

**BAYPORT TERMINAL COMPLEX  
TRAFFIC IMPACT ANALYSIS**

**Prepared for:**

Galveston Bay Conservation and Preservation Association  
P.O. Box 323  
Seabrook, TX 77586

**Prepared by:**

Lee Engineering, LLC  
17440 Dallas Parkway, Suite 204  
Dallas, Texas 75287  
Phone: (972) 248-3006  
Fax: (972) 248-3855

March 2002

Air Quality

11754

**Key Points**

- Incorrect conformity analysis for NO<sub>x</sub>
- No conformity analysis for PM<sub>2.5</sub> or PM<sub>10</sub>
- No analysis of localized air pollution impacts
- No analysis of intensity of PM<sub>10</sub> impact despite acknowledgement that national standard is being violated
- No analysis of PM<sub>2.5</sub>
- No analysis of health effects or hazardous air pollutants
- Over 66 additional cases of asthma and 568 person days of missed work due to health effects for the 8,409 persons living within a 0.5 microgram per cubic meter incremental increase contour near the facility.

The following comments are offered with regard to the issue of general conformity and with regard to the disclosure of impacts in the Bayport DEIS. GBCPA urges that major omissions have been made here.

**A. Conformity Analysis**

There are important issues associated with conformity analysis and the proposed Bayport container port under §176(c) of the Clean Air Act. In this regard, there is a major concern regarding ozone non-attainment and there is also a concern regarding both PM<sub>10</sub> and PM<sub>2.5</sub>. The major issues of concern are as follows:

**1. What is the appropriate scope of the ozone general conformity analysis?**

As presented in the Bayport DEIS, the ozone non-attainment analysis was limited to construction-related NO<sub>x</sub> emissions. GBCPA believes that this legal interpretation is incorrect and that the proper scope should include certain operational NO<sub>x</sub> emissions as well as construction emissions.

General conformity analysis under the Clean Air Act is required as per §176(c). The concern here is one that the federal government not worsen any existing violations of the Clean Air Act's ambient standards. The focus is upon insuring that federal actions conform with existing state implementation plans and that they do not interfere with attainment of the standard. There is no question that the Houston area is violating the national ambient air quality standard for ozone over a one-hour time period. Such violations are clearly noted in the Bayport DEIS. The issue is how general conformity applies to the Bayport §10 permit proposed to be issued by the Corps.

With regard to general conformity analysis, however, the Bayport DEIS only evaluates construction-related emissions and does not consider operational emissions of nitrogen oxides (NO<sub>x</sub>). GBCPA believes this to be an error in the interpretation of the conformity provisions and enabling regulations. Under the enabling regulations promulgated by the U.S. EPA, no department,

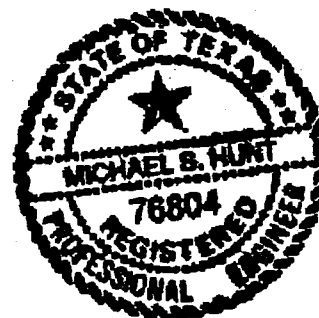
**Analysis of the Port of Houston Bayport  
Environmental Impact Statement  
Air Quality Section**

**Prepared for:**

**Galveston Bay Conservation and Preservation Association  
P.O. Box 323  
Seabrook, TX 77586**

**Prepared by:**

**Hunt Air Strategies  
1611 Taylor Gaines  
Austin, TX 78741-2528  
Phone: (512) 447-8082  
Fax: (512) 447-7083**



**March 2002**

*Michael S. Hunt  
3/12/02*

## Expert Opinion

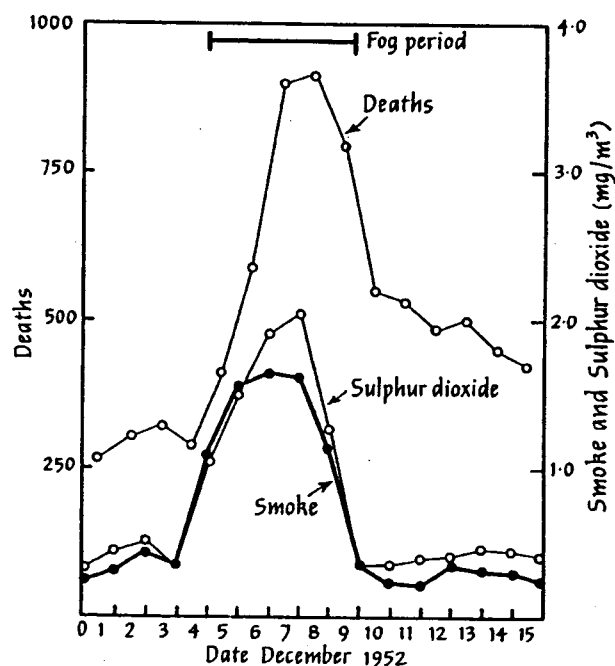
M. P. Fraser, Ph.D.

### UNDERSTANDING THE IMPORTANCE OF FINE PARTICLES

The Clean Air Act charges the U. S. Environmental Protection Agency with the task of protecting human health from the detrimental affects of air pollution. With that authority, the EPA has compiled available information on the affect of pollutants on human health, and has set National Ambient Air Quality Standards (NAAQS) for six pollutants. These standards have set acceptable concentrations for these so-called criteria pollutants which include ground-level ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, lead and atmospheric particles.

In 1995, the EPA started a periodic review of new information on the effect of air pollutants on human health to determine if changes needed to be made for NAAQS to reflect up-to-date research on the impact of pollutants on human health. Information collected and compiled in the Criteria Document for atmospheric particles included new research on the impact of atmospheric fine particles, which are those particles with diameters less than 2.5 microns (PM<sub>2.5</sub>). These smallest of all atmospheric particles had previously been regulated under the NAAQS for atmospheric particles which then required measurement of all particles under 10 microns (PM<sub>10</sub>). While PM<sub>2.5</sub> is a subset of the particles regulated under the PM<sub>10</sub> standard, the new information portrayed a compelling portrait of the impact of these atmospheric fine particles. The research studies, published in medical journals by researchers from around the world, focused on the long-term or chronic health impacts of atmospheric particles. This investigation of the long-term impacts of health studies was a departure from previous research into the impacts of air pollution on health which historically have focused on the acute, or short-term affects, of pollution.

Modern concern for the impact of air pollution on human health can be traced to severe buildup of pollutants during stagnation conditions in regions that relied on coal combustion for home heating and industrial use. Many severe episodes were recorded in areas like the Muse Valley in Belgium, 1932 and Donora, Pennsylvania in 1948. The most severe episode, however, has been labeled the Black Fog of London and occurred in December 1952. During that episode, stagnant meteorology lead to a buildup of sulfur dioxide and coal smoke over a 5-day period. During that episode, it has been estimated that exposure to pollution killed in excess of 4000 persons, as shown in Figure 1.



## Expert Opinion

Dr. Michael Kleinman  
University of California, Irvine  
Department of Community and Environmental Medicine

### **Health Effects of Particulate Matter**

About 5 years ago the Sonoma Technology Corporation assembled a team to write a report on health benefits that would accrue in the city of Houston if air quality were improved. My role in that effort was to compile the information on air pollution health effects that would enable us to estimate the impact of pollutants on health. The information in that report was carefully scrutinized and used. Since then, there have been several additional studies that have been reported, especially on the topic of particulate matter (PM) health effects. The initial conclusions of the Sonoma report have not been contradicted by the newer studies. Never the less, it is now possible to update the scientific basis for the finding that PM causes adverse effects on human health and to make estimates of the magnitude of those effects with greater accuracy.

#### **Adults**

More than 50 published studies that addressed health effects of airborne particulate matter (PM) in adults were reviewed. These studies are summarized in Tables 5-8 and 5-9. The design and quality of the studies were assessed for use in establishing dose-response relationships. All of the studies that were reviewed were observational epidemiologic studies, and very few were chronic studies. By far, the majority of the investigations were group-level (ecological) daily time series studies. These time series studies examined the acute effects of air pollution by using ambient concentrations of air pollutants measured at stationary monitors as a surrogate for individual-level exposures. A major advantage of time series studies as compared with cross-sectional studies is that there is little need to control for risk factors such as age, cigarette smoking, and occupational exposure. The reason these factors have diminished importance as predictors of health effects in times series studies is that the age distribution as well as the smoking and occupational histories of the population are unlikely to change from day to day. Because of the design of time series studies, however, it is not possible to determine whether the observed short-term effects are associated with the individuals who received the highest exposures.

#### **TIME SERIES STUDIES**

Time-series studies spanning five continents have demonstrated associations between daily counts of mortality and daily or multi-day changes in the concentrations of several common air pollutants. Among these pollutants, PM<sub>10</sub> (particulate matter with a median aerodynamic diameter equal to or less than 10 microns), PM<sub>2.5</sub> (particulate matter with a median aerodynamic diameter equal to or less than 2.5 microns), black smoke, and sulfates appear to show consistent associations with mortality. Although some associations have also



## Expert Opinion

11754

Dr. Michael Kleinman  
University of California, Irvine  
Department of Community and Environmental Medicine

### Potential Health Impacts

In order to calculate the impact of air quality changes on human health, concentration-response (C-R) functions derived from recent epidemiological studies of the effects of air pollution on health were used. C-R functions are equations that relate the change in the number of adverse health effect incidences in a population to a change in the pollutant concentration to which that population is exposed. The basic form of the equation that is used to estimate excess deaths and increases in the number of hospital admissions is shown below.

$$\Delta y = -(y_0 \cdot (e^{-\beta \Delta PM} - 1)) \cdot \text{pop}$$

where:

$\Delta y$  = changes in the health endpoint corresponding to a particular change in PM in a population,

$y_0$  = baseline incidence rate per person,

$\beta$  = C-R coefficient, specific for each health endpoint,

and pop = population of a particular group that is being considered.

The emissions of fine particles from the proposed project will increase exposures to residents of nearby communities. An air pollution model was used to estimate impacts in surrounding communities. Figure 1 was produced by Dr. Michael Hunt and shows the geographic area in which fine particle exposures would be increased. The region in which increased PM<sub>2.5</sub> exposures of  $\geq 0.5 \mu\text{g}/\text{m}^3$  would be expected, was used for the following analyses. Using 1999 census tract data, it was possible to estimate that the impacted region contained a total of 8,409 residents, of whom 6,168 were adults.

## Noise

### Key Points

- The Bayport DEIS failed to use appropriate noise criteria to analyze noise impacts from the proposed project
- The estimates shown in the DEIS, though not representative of noise levels at build out, indicate that the proposed Bayport site will violate existing noise control ordinances in surrounding communities, as well as exceed national and international agency criteria for residential compatibility.
- The DEIS failed to predict sound levels using a 3-D noise model covering the study area. Instead, the DEIS calculated estimates of noise levels at a few points, which does not represent a scientific, comprehensive analysis.
- Noise from the cruise development was omitted from the discussion of impact sources
- Over 776 people live within an area of noise impact from the Bayport site that, at build-out and under prevailing conditions, would exceed FAA standards for compatibility with residential areas.

### Summary

The noise section of the DEIS glosses over, and fails to disclose, significant impacts resulting from the Bayport site. The expert report of CSTI Acoustics, written by Mr. Arno S. Bommer, presents results showing long-term adverse noise impacts from the Bayport site beginning even prior to 2012. According to a GBCPA analysis of census data contained in Attachment A of the CSTI report, 5,772 people currently live within one-mile of the Bayport property line. The CSTI analysis shows that far more residents than that will experience adverse effects from Bayport's operations. Even aggressive mitigation may not diminish these adverse effects.

1. The Bayport DEIS failed to use appropriate noise criteria to analyze noise impacts from the proposed project

The CSTI expert report discusses at length the inappropriate absolute criteria of 65  $L_{dn}$  in the DEIS.  $L_{dn}$ , or the day-night average noise level, describes a weighted, logarithmic scale in decibels A-weighted (dBA) to the most sensitive part of the audible spectrum. The  $L_{dn}$  increases a factor of 10 in intensity for every 10 dB increase. The 65  $L_{dn}$  standard is used by the U.S. Department of Housing and Urban Development (HUD) as a maximum acceptable value, not as a desirable level. The 65  $L_{dn}$  standard is comparable to the noise level heard near freeways and airports, and is also used by the Federal Aviation Administration (FAA). ANSI standard S3.23 holds that noise levels above 65  $L_{dn}$  are incompatible with all forms of residential development.

More appropriate noise criteria were easily within the DEIS's reach. The Environmental Protection Agency has set its own goal of 55  $L_{dn}$  for residential areas. In addition, the

CSTI  
Bommer, A.

Expert Report

Attachment A

Figure 1 – Census blocks used in one-mile census 2000 block-level analysis (GBCPA)

Figure 2 – 2025 No Action using DEIS Data, no wind

Figure 3 – 2025 Action using DEIS Data, no wind

Figure 4 – 2025 Action using DEIS Data, SE wind

Figure 5 – 2025 Action using DEIS Data, NW wind

Attachment B

Figure 6 – Year 2000 Census blocks used in DEIS inputs, SE Wind, > 65 L<sub>dn</sub> GIS calculation

Figure 7 – Year 2000 Census blocks used in DEIS inputs, SE Wind, > 55 L<sub>dn</sub> GIS calculation

Figure 8 – Year 2000 Census blocks used in DEIS inputs, NW Wind, > 65 L<sub>dn</sub> GIS calculation

Figure 9 – Year 2000 Census blocks used in DEIS inputs, NW Wind, > 55 L<sub>dn</sub> GIS calculation

Attachment C – Sound Modeling Results for Other Conditions

2012 No Action, no wind

2012 Build using DEIS Data, no wind

2012 Build using Lee Engineering Traffic Data, no wind

2025 Build using Lee Engineering Traffic Data, no wind

2025 Build using DEIS Data, NE wind

2025 Build using DEIS Data, SW wind

APPENDIX A.

NOISE ORDINANCES  
AND GUIDELINES

## Local and Cumulative Land Use

For comments on the significant adverse land use impacts associated with the Bayport site, GBCPA embraces and will rely on the expert reports of Lydia Z. Jemison and Peter H. Brown.

GBCPA has also submitted supporting appendices referenced by these expert reports, in Appendices VII-A through VII-E. Finally, GBCPA has also submitted a video, entitled "Container Ports: Lessons from Long Beach" as part of these comments.

**EXPERT REPORT  
LAND USE ANALYSIS**

**BAYPORT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
(DEIS)**

**MARCH 8, 2002**

**Submitted by:  
Jemison & Partners, Inc.  
Lydia Z. Jemison, AICP  
President**

Jemison, L.Z. - EXPERT REPORT ON LAND USE

**11754**

### Local and Cumulative Land Use

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**BAYPORT PLANNING AND LAND USE ANALYSIS REPORT**

*A Land Use Report on the Proposed Bayport Terminal Complex*

Prepared for:

**The Galveston Bay Conservation and Preservation Association**  
PO Box 323  
Seabrook, Texas 77586

**Peter H. Brown, AIA, AICP**  
**Peter H. Brown Civic Design**  
2136 Kipling Street  
Houston, Texas 77098

# Galveston Bay Conservation & Preservation Association

## MAIN VOLUME OF COMMENTS



## Environmental Justice

Omissions and methodological errors pertaining to DEIS environmental justice analysis

### Appendices

Appendix A – *Computer Assisted Environmental Justice Methodology*. EPA Region 6, Office of Planning and Analysis, July 1994.

Appendix B - *Environmental Justice: Guidance Under the National Environmental Policy Act*. Council on Environmental Quality, December 10, 1997.

### Key Points

- The DEIS failed to follow CEQ and EPA Region 6 guidance in its selection of study areas
- Because the study area was improperly defined, the DEIS failed to analyze any impacts on minority or low income communities from this proposal, using instead a default impact level in the EPA Region 6 guidance

#### A. The DEIS failed to follow CEQ and EPA Region 6 guidance in its selection of study areas

The Council on Environmental Quality's (CEQ) *Environmental Justice Guidance Under the National Environmental Policy Act* states:

Each federal agency should analyze the environmental effects, including human health, economic, and social effects of Federal actions, including effects on minority populations, low-income populations, and Indian tribes, when such analysis is required by NEPA. (CEQ, 4)

To fulfill this obligation, the contractor uses the EPA Region 6 *Computer Assisted Environmental Justice Index Methodology*, the results of which appear in DEIS Appendix 3.4. In addition, the DEIS presents 1990 census data for a few census block groups surrounding each alternative site, but does not analyze the data beyond a descriptive summary.

The EPA Region 6 methodology produced the maps shown in DEIS Appendix 3.4. These maps show a 1 sq mile area (0.56 mile radius) and 50 sq mile area (4 mile radius) around each alternative site. These study areas are not appropriate given the extent of the affected communities, particularly with rail, traffic, and air quality impacts extending well over southeast Harris County and into the city of Houston. Rather, the 1 sq mile and 50 sq mile areas were chosen for a simple reason. As the EPA Region 6 methodology states:

The method described is automated in GIS and currently analyzes 50 square mile and one square mile geographic areas (communities). (EPA R6, 1)

## Expert Opinion

Juan Parras

Thurgood Marshall School of Law, Environmental Justice Clinic, Texas Southern University  
Unidos Contra Environmental Racism

Brian Pietruszewski

Galveston Bay Conservation and Preservation Association

February 2002

### Cumulative environmental justice impacts from the proposed Bayport Container Terminal and San Jacinto Rail Line

#### EXECUTIVE SUMMARY

The proposed Bayport Container Terminal and San Jacinto Rail Line (SJR) will increase environmental and human health impacts from road traffic, air pollution, and hazardous materials exposure risk. The proposals will also increase industrial land uses, rail traffic, and the risk of land contamination. All of these cumulative impacts – to date unanalyzed in the DEIS – extend well beyond the immediate area of the Bayport site, reaching to neighborhoods in east and southeast Houston that would bear all of the rail traffic and a significant portion of the road traffic associated with these projects.

The present road traffic, rail traffic, air pollution, and hazardous materials exposure risk impacts sustained as the result of past actions in east and southeast Houston are some of the most severe anywhere in the United States. The area is highly industrialized, and contains a high concentration of facilities reporting large volumes – in the top 10% nationwide – of toxic releases of hazardous air pollutants to the EPA as part of the Toxic Release Inventory (TRI). The area also contains the bulk of the rail infrastructure and nearly all of the rail yards in the city of Houston, many of which frequently handle hazardous materials.

The DEIS for the Bayport proposal has not analyzed the environmental justice implications of either that proposal or the concurrent San Jacinto Rail proposed action on east and southeast Houston. The cumulative impact that these low-income and predominantly minority communities will sustain is real and potentially severe with regard to health effects and socioeconomic consequences. Currently, the Corps of Engineers is not following the Council of Environmental Quality (CEQ) guidance on environmental justice or the CEQ regulations pertaining to cumulative impacts.

## Socioeconomics

11754

### Appendix List

Appendix A - *Port of Houston Authority Strategic Plan*, June 28, 1999. Booz-Allen & Hamilton, Inc.

Appendix B - *Comprehensive Annual Financial Report for the Year Ended December 31, 2000*. Port of Houston Authority of Harris County, Texas (68 pgs).

Appendix C - "Analysis of Port of Houston Authority Comprehensive Annual Financial Reports, 1995-1999". GBCPA. (9 pgs).

Appendix D - "Section 4: Future Facility Needs Assessment", *Conceptual Development Study for Shoal Point, Texas City, Texas - August 1998*. Vickerman/Zachary/Miller, TranSystems Corporation (13 pgs).

Appendix E - "Tariff freeze for 2002," Port of Houston Authority website, <http://www.portofhouston.com/bulletin/tariffrz.htm>, 02/12/02.

Appendix F - "Tax Facts - How schools are funded in Texas", Clear Creek Independent School District, 2001 (2 pgs).

### Omissions pertaining to the long-term financial health of the applicant

#### Key Points

- The bond financing necessary to construct this proposal masks deeper, more fundamental financial problems on the part of the applicant - problems the public will pay to resolve.
- According to its own Strategic Plan, aggressive pricing strategies will not allow the applicant to prevent cash flow losses for its proposal. Rather, they will increase the applicant's financial burden on the public by generating operational losses that will require additional non-operational revenue (i.e. property taxes) to offset.

#### Definitions

- a. *Revenue and expense statement* - the income and expenses from operations and non-operations activities, as shown in Figure 1, on page 23 of Appendix B, and on page 7 of Appendix C.
- b. *Cash flow statement* - the annual cash flows from operations activities, non operations activities, capital financing activities, and investing activities, as shown in Figure 2, on page 24 of Appendix B, and on page 6 of Appendix C.
- c. "*Strategic Plan*" - the June 28, 1999 Port of Houston Authority Strategic Plan prepared by Booz-Allen & Hamilton, attached as Appendix A.

### Stipulations

#### General

1. The Port of Houston Authority makes capital investments in cargo handling facilities in the Galveston Bay region, as well as in local sponsor shares of the infrastructure projects (such as roads and channel dredging) necessary to support them.

## Wetlands

GBCPA will submit additional wetland comments separately as part of its response to the forthcoming public interest deadline extension stated by the Corps of Engineers. These comments will include statements pertaining to the Clean Water Act 404(b)(1) regulations and, as applicable, other programs including the state coastal management plan.

As both a public interest comment and a DEIS comment, GBCPA submits for the record the expert report of Dr. John S. Jacob, as well as appendices XI-A through XI-K containing past wetland delineations at the proposed Bayport container terminal site. GBCPA also submits, under the same provisions as above, appendix XI-L containing historical topographic maps, and a Map dated 12-16-98 in Appendix XI from Berg Oliver Associates showing Waters of the United States at the proposed Bayport container terminal site.

Expert Opinion

11754

John S. Jacob, Ph.D.

Professional Wetland Scientist, Certified Professional Soil Scientist

Wetland extent and significance at the proposed  
Bayport Channel Container/Cruise Terminal site

January 2002

Main Report – Extent of Wetland Complexes, their Adjacency to Waters of the  
United States, and Resulting Water Quality Benefits

## EXECUTIVE SUMMARY

The proposed Bayport site contains well over 100 acres of a unique prairie-pothole wetland complex that represents an irreplaceable geologic legacy.

Based on the Draft Environmental Impact Statement (DEIS), it is not possible to make an accurate assessment of the impact of wetland loss at this site, nor can an impartial comparison of the relative impacts be made between the Bayport site and the alternate sites. The wetland coverage at the Bayport site represented in the DEIS was determined through aerial photo interpretation. The DEIS does not contain maps or data supporting the final jurisdictional determination. A comprehensive delineation is warranted given the large potential impacts, and therefore a more serious and detailed study of the impact site is needed.

Further, and most importantly, the DEIS incorrectly represents the adjacency of many of these wetlands to waters of the United States, and therefore the jurisdiction of regulatory agencies. The DEIS does not apply the current Corps' Galveston District criteria for wetland adjacency correctly to either the DEIS aerial photo interpretation or to other existing data sources, including those field delineated. Therefore, wetlands with a hydrologic connection to waters of the U.S. (Pine Gully and Galveston Bay), as well as wetlands within the 100-yr floodplain, are not analyzed as adjacent, and therefore jurisdictional, in the DEIS. Though not represented as such in the DEIS, the Corps' own criteria clearly states that these wetlands are adjacent, and therefore jurisdictional.

Finally, this pothole complex has surface water connections to Galveston Bay and/or its tributaries, and thus is an important contributor to clean water in the Bay. The Corps' own hydrologic data in the DEIS proves that all land parcels on the site drain to a water of the United States. Regardless of whether runoff occurs through wetlands and a tributary system, or via overland flow through other wetlands, the DEIS does not discuss the water quality implications to waters of the U.S of filling these special aquatic sites.

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For more information on the uniqueness and significance of the wetland assemblage at the Bayport site, please refer to Appendix 1 of this expert report.

## Expert Opinion

### Analysis of Drainage Features at Proposed Bayport Container Terminal Site

Lawrence G. Dunbar, P.E.

March 4, 2002

I have analyzed the drainage features of the site where the proposed Bayport container terminal is being considered to be constructed. I have performed this analysis in the context of whether the various wetlands that exist on the site should be classified as "adjacent wetlands", and thus jurisdictional under Section 404 of the Clean Water Act.

"Adjacency" for jurisdictional purposes can be established in a number of ways, according to the Galveston District of the Corps of Engineers, including by showing a "hydrologic connection" between the wetland itself and "waters of the U.S."

"Hydrologic connections" are defined by the Corps as surface tributary systems, surface water connections (e.g. ditches), or waters that are part of a surface tributary system during normal flows or predictable flood events. Therefore, I reviewed aerial photographs, authoritative material and other documentation to determine if a "hydrologic connection" could be established for the wetlands located on the Bayport site.

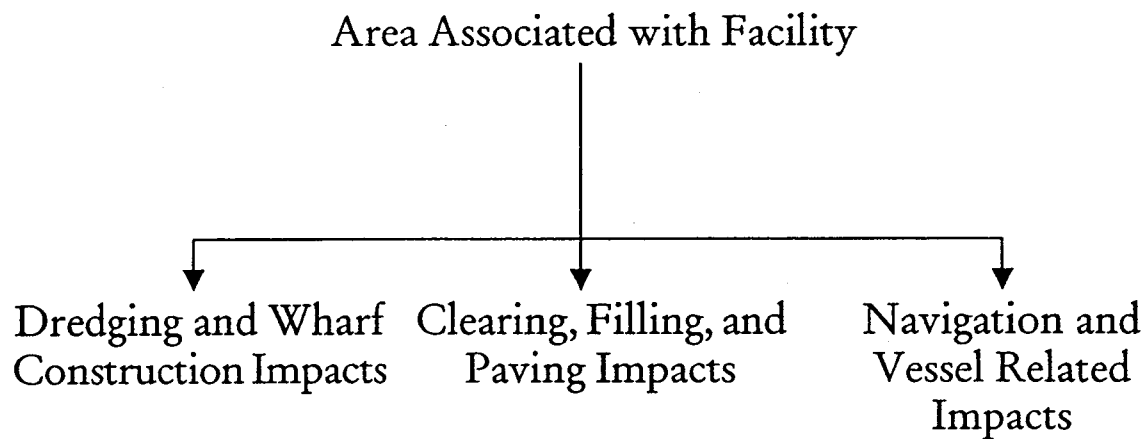
The Corps of Engineers prepared a Draft Environmental Impact Statement (DEIS) on the proposed Bayport container terminal. Contained therein is information regarding the site of the proposed terminal. For example, there are over 100 acres of wetlands identified to exist on the proposed Bayport site in the Corps DEIS. Furthermore, it is stated on page 3-16.15 of the DEIS that "...most of this area drains to Pine Gully as overland flow or through minor tributary channels." Pine Gully is a tidally-influenced tributary to Galveston Bay and is therefore considered "waters of

### Impacts From Deepening and Widening the Houston and Bayport Ship Channels to at Least 50 Feet

1. One of the key issues raised during the Scoping Process associated with the proposed Bayport terminal project was the impacts of the proposed dredging and deepening of the Houston Ship Channel (HSC) and the Bayport channel to at least 50 feet (see Sect. 5.2. 2 - Issues Raised During Scoping Process). The Bayport DEIS, in Sect. 5.2.2, states that "Key topic areas that have been addressed in this EIS include: ...impacts of proposed dredging and deepening of the HSC on salinity in Galveston Bay and on the oyster population in Galveston Bay....impacts of proposed dredging on marine life in Galveston Bay, including impacts of future deepening of the HSC and Bayport Channel to at least 50 feet..." Unfortunately, nowhere in the DEIS is there any analysis or evaluation of the deepening of the HSC to at least 50 feet and the resulting impacts on salinity, oyster population and marine life in Galveston Bay. This is a major omission in the DEIS that must be addressed, since it has been acknowledged that the future deepening of the HSC and the Bayport Channel to at least 50 feet is a key issue associated with the proposed Bayport terminal project.
2. The expert report of Robert McFarlane in section XIII-F discusses impacts to aquatic life and the Galveston Bay system from a deeper and wider Houston Ship Channel, including depths greater than 50 feet.
3. The future deepening and widening of the HSC beyond its presently authorized limits (45 feet deep and 530 feet wide per Sect. 4.5.4 of the DEIS) has been recognized by the USACE in its DEIS, in the section on unavoidable, long-term and cumulative effects, as a future action whose cumulative effects needed to be assessed. Sect. 4.5.5.7 of the DEIS states "Ongoing deepening and widening of the HSC ... will help to better accommodate the projected increase in vessel activity in the future.... In order to accommodate this projected growth rate,... further deepening/widening of the HSC and its connecting channels would likely be necessary..." Unfortunately, the DEIS does not include an assessment of the impacts associated with the future deepening/widening of the HSC or its connecting channels like the Bayport Channel, cumulatively or otherwise. This is a major omission in the DEIS that must be addressed, since it has been acknowledged in the DEIS that the future deepening/widening of the HSC is a future action whose cumulative impacts must be assessed to be in compliance with NEPA and the CEQ Guidelines.
4. Any analysis or evaluation of the future deepening/widening of the HSC and the Bayport Channel must consider not only the deepening of the channel to at least 50 feet, but also a deeper channel to as much as 56 feet. This 56 - foot deep channel must be analyzed since the permit application by the Port of Houston shows a 56 -foot deep channel section being planned along the Bayport Channel as part of the wharf area in the container terminal complex portion of the project. Obviously the Port of Houston expects such a channel depth to occur in the future since they included it in their project plans.
5. Any analysis or evaluation of the future deepening/widening of the HSC and its connecting channels must be compared against the current conditions within the Galveston Bay system (e.g. salinity levels and current inflows), as well as the changes that will be expected to occur as a result of the on-going deepening/widening of the HSC and any of its connecting channels as currently authorized. In addition, future changes to inflows must also be addressed.

## Impacts to the Aquatic Environment

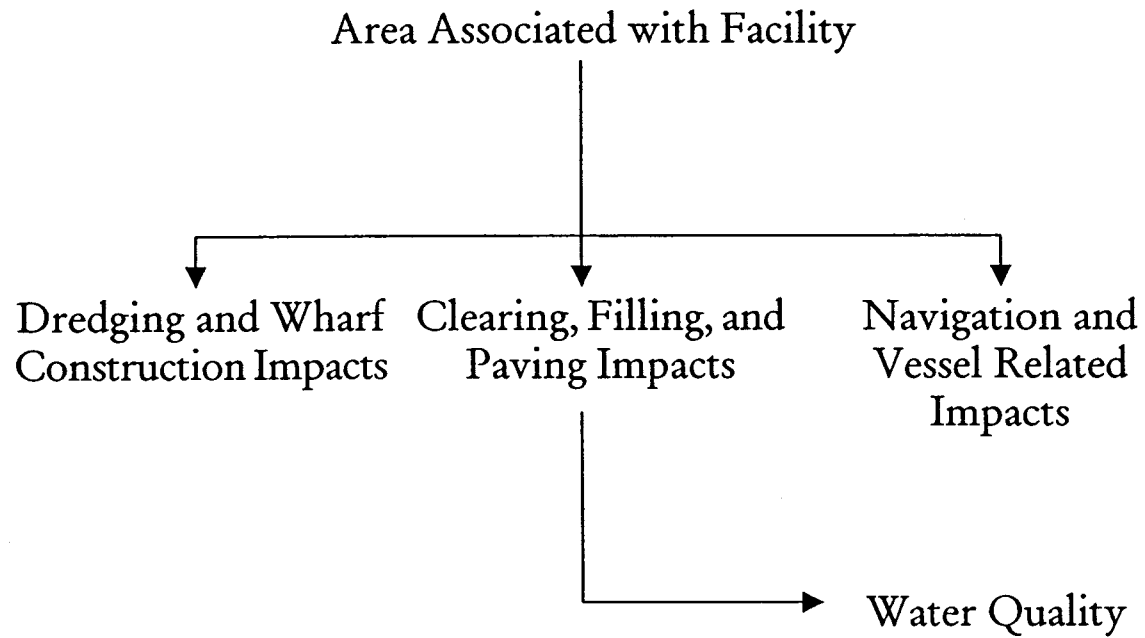
*Project Impacts - Overview 1*



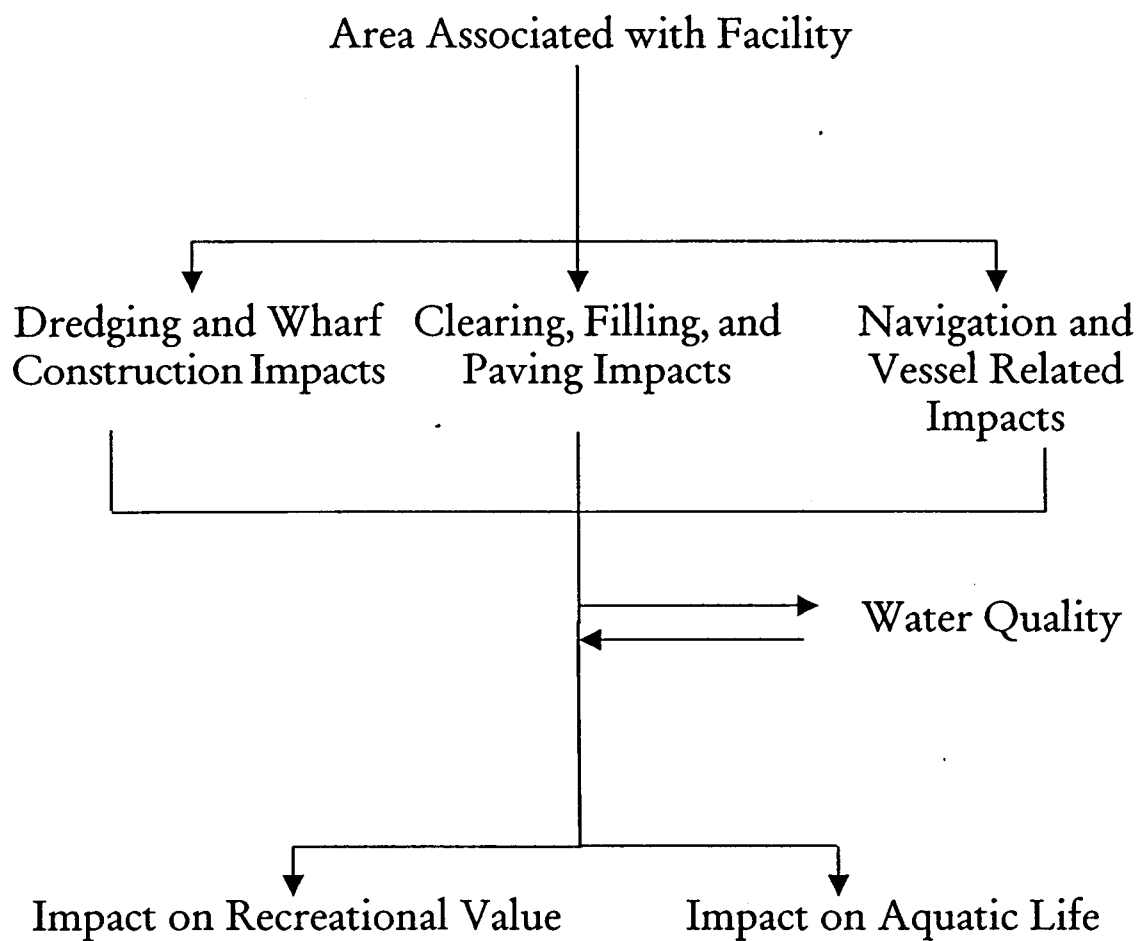


## Impacts to the Aquatic Environment

*Project Impacts - Overview 2*

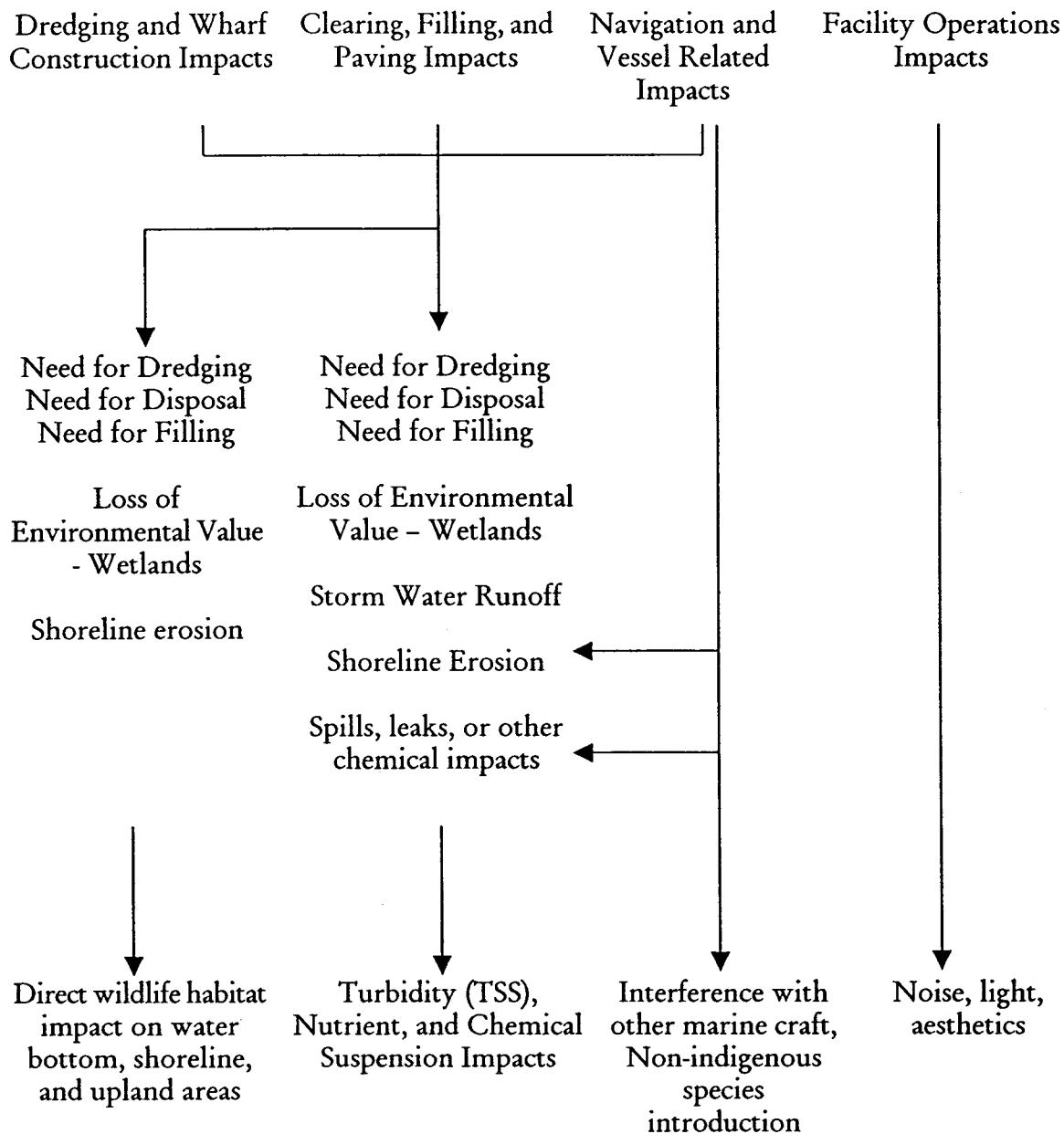


**Impacts to the Aquatic Environment**  
*Project Impacts - Overview 3*



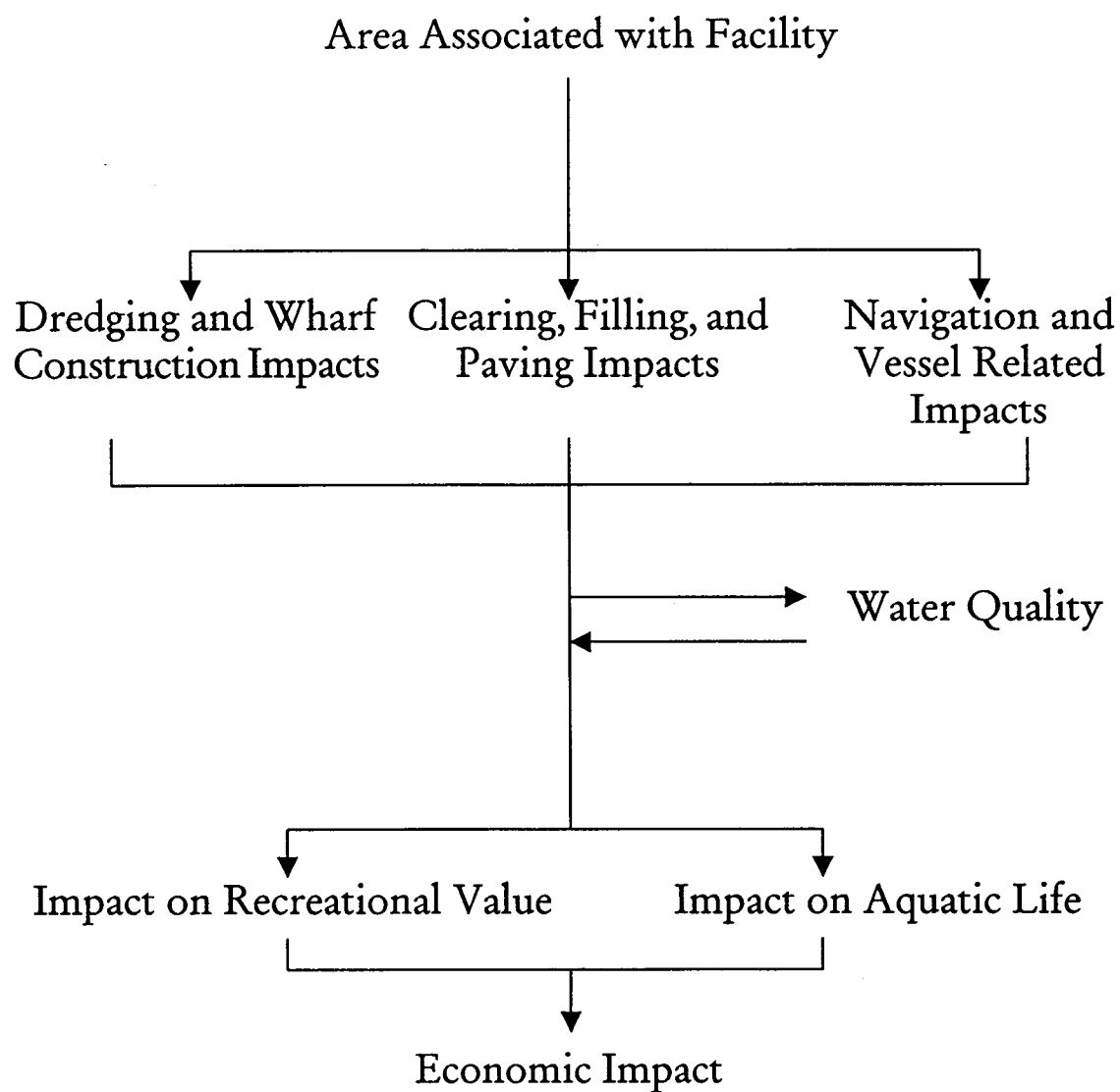
## Water-based Recreation Impacts

*Aquatic Environment*



## Impacts to the Aquatic Environment

*Project Impacts - Overview 4*



## POTENTIAL IMPACTS ON AQUATIC ECOLOGY

Robert W. McFarlane, Ph.D.  
McFarlane & Associates  
Houston, Texas

### Summary

The proposed Bayport Terminal project will have substantial long-term impacts affecting the potential introduction of nonindigenous nuisance species into Galveston Bay, an essential habitat of the American Oysters, and on the salinity regime of upper Galveston Bay. The successful introduction of a ballast-transported invasive nonindigenous nuisance species could have enormous economic and environmental impacts on the structure and function of the Galveston Bay ecosystem and its fishery resources. An increase in salinity on the oyster reefs of greatest productivity, approaching and adjacent to the Bayport terminal, would increase the prevalence of disease, parasitic, and predatory organisms, and subsequently reduce oyster productivity. The draft environmental impact statement failed to consider these impacts.

### Introduction

The proposed Bayport Project will have significant impacts on three aspects of the aquatic ecology of the Galveston Bay ecosystem:

1. The impact that the increased volumes of ballast water discharge, associated with the projected increase of ship traffic, will have on the introduction of non-indigenous nuisance species into Galveston Bay.
2. The impact on essential fish habitat, particularly that for the American oyster.
3. The impact of widening and deepening the Houston Ship Channel and the Bayport Channel.

### Ballast Water Discharge

Shipping has played a vital role in the dispersal of land and marine organisms and pathogens, from wharf rats to numerous diseases, around the world ever since humans first began to ply the oceans and coastal zones. The very first voyage of Christopher Columbus to the New World introduced syphilis to the Old World upon its return. The favor was returned with the much larger second expedition of Columbus that transported several diseases, believed to be typhus, influenza, and dysentery, to the New World (Cook 1998). Smallpox and malaria were soon to follow. Ship-borne epidemics continued into the late 20th century as Asian cholera reached Peru, apparently in ballast water, and triggered a massive epidemic. The first trans-oceanic immigrants were attached to ship hulls, anchor ropes and chains, ballast rocks, onboard cargo, or the sailors and passengers themselves. The advent of steel hulls and internal ballast water tanks expanded the plethora of organisms that could be transplanted successfully. As world trade has expanded, so has the delivery of non-indigenous aquatic organisms into unfamiliar environments.

Each and every ship that takes on ballast water, and virtually all do at some point in each voyage, transports literally dozens of aquatic species. Many will not survive the voyage, being

## Alternatives

GBCPA will submit additional comments on the alternatives analysis and comments pursuant to Clean Water Act section 404(b)(1) regulations as part of the Corps of Engineers forthcoming extended public notice/public interest comment period.

The Corps of Engineers has stated that additional jurisdictional wetlands have been found at the proposed Bayport container terminal site. The Corps has therefore decided to extend the comment period on the public notice for an additional 30 days, though it has yet to issue the revised public notice before the close of the DEIS comment period on March 13<sup>th</sup>.

At this time, GBCPA submits the expert report of Polly Ledvina, with attachments, as a both a DEIS and public interest comment, the same as the remainder of GBCPA's submissions.

GBCPA also submits an initial comment pursuant to Clean Water Act section 404(b)(1) regulations. GBCPA reserves the right to revise this comment during the extended public notice comment period, after the Corps finally releases the new information on wetlands at the Bayport site.

**Analysis of Project Alternatives in the Draft  
Environmental Impact Statement for the Proposed  
Container Terminal at Bayport**

Polly Ledvina

for

Galveston Bay Conservation and Preservation Association

March 10, 2002

DP 11754

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DP 11754

MC8



DP11755

Report prepared for the City of El Lago by Richard J. Gillen

RE: The Port of Houston Authority's proposed Bayport Container Port and Cruise Terminal Draft Environmental Impact Statement as presented by the U.S. Army Corps of Engineers.

March 01, 2001

This write-up pertains to the Bayport Draft Environmental Impact Statement submitted by the US Army Corps of Engineers. These comments were prepared by Richard J. Gillen. I have a BS in Mechanical Engineering and an MS in Aeronautical Engineering and nearly 40 years of engineering experience in private industry and with the Federal Government (as a civilian on U.S. Air Force projects and at NASA).

\*\*\*\*\*

It is my firm belief that the documents submitted by the US Army Corps of Engineers (USACE) that are supposed to be a Draft Environmental Impact Statement (DEIS) of the proposed Bayport containerized facility are without merit. These should not be allowed to stand as a legitimate DEIS; these are nothing more than sales brochures, obviously written to support a premise that the Bayport containerized project should be built. A Supplemental DEIS should be prepared and submitted that honestly recognizes and honestly evaluates all the omissions and unfounded claims that I point out. If the USACE prepares a new report that makes all the corrections and honestly tells how dangerous this facility would be, that would be satisfactory. If this is honestly done, then the USACE should issue a ruling that the permit should be denied. If, however, the USACE doesn't properly recognize and evaluate the serious deficiencies, then the public would be prevented from having an effective review and approval authority or input. We are entitled to a review and evaluation of a legitimate, honest DEIS. 23-146

The study dismisses all potential problems and makes many claims without proof or basis. They "assume" and "expect" and "anticipate" many wonderful things will magically happen to prevent problems. Many examples are cited below.

Page ES-16 (ES=Executive Summary) regarding future roadways and accommodations for 16,000 more truck trips per day (more than 11 trips per minute in my neighborhood), the report glibly says, "The majority of the roadway improvements would be needed with or without the project". This has to be an untrue statement. Is someone planning all these road improvements without regard to traffic needs and projections? This is a common type of baseless claim that is used throughout the report. Isn't this supposed to be an engineering report? 27

Page ES-19 regarding public safety and increased traffic. [The study "anticipates" that public safety will not be affected by Bayport. This has to be a lie and a faulty anticipation.] Please tell us how many more accidents will occur because of the 16,000 more truck trips per day. Honestly, how many of these will be school bus accidents and please include current supporting data? How many injuries and fatalities do you project for the increase of up to 16,000 more semis per day? How many do you plan to allow? [This increased truck traffic will seriously affect my family's safety] so honestly address this enormous problem. [If a project causes an increase in traffic then the engineering study and the projected effects of the traffic must recognize and report this situation for public enlightenment and evaluation.] 21-48

Page ES-19 regarding transportation of hazardous materials. [The statement is made, "The potential of a hazardous material spill occurring during truck transport would increase proportionally. Area public services are adequate to address this increase."] This is another wild, unsubstantiated claim and is an insult to the reader. Exactly who regulates what hazardous materials that can be shipped into and out of the facility? Who are these people who will address these problems? What provisions will the Bayport project provide to us, the neighbors, for hazardous materials spills? List and detail what hazardous materials were "assumed" in the 8-9

03/02/2002

11755

study? The assumption that less than five percent of the throughput will be hazardous is spurious, at best. Who regulates this? Please honestly address this problem.

[Page A3.12.1-6 Admits our area is "a severe nonattainment area for O3". Please explain to us neighbors how adding the emissions from the 16,000 truck trips per day (plus all onsite emissions) can help this terrible situation. Be very specific and enlighten us about all your assumptions including new diesel engines and new fuels. Also explain how reducing VMT (vehicle miles traveled) in our area will be accomplished and enforced. This is another vague claim without data or substantiation. Exactly how did the engineers calculate the increase in O3 amount due to all sources, especially the diesel exhaust? How much will the O3 increase in terms of PPM? It is important to recognize current news reports that O3 has been clearly proven to cause asthma, and not just be an influencing factor. It is very troubling that the small 2.5-micron particles can be overlooked-how underhanded! These are known to be more dangerous to the human body than the 10-micron size particles. Please honestly tell us how much this facility and truck traffic will increase the concentration of these small particles?]

7-147  
22-145

21-45

[Page A3.12.1-8, para 2.5 makes a vague statement excusing the Applicant from EPA regulations. Exactly which regulations are excused and why? Please provide a clear, complete explanation. Who regulates these exclusions?]

22-146

App A.3.12-1 Table 2, ES, p21 hints at things that will improve air quality but gives no supporting data. My questions follow:

[\*Voluntary mobile emissions-Who enforces? How exactly was this applied to Bayport? Reduces 23 tons of what? How? What change would that make in our pollution?]

7-115

\*Tier 2/3 purchase-early replacement, etc.- When is this required? Who enforces? What change is calculated for our environment?

\*Calif. off-highway- When is this required? Who enforces? What change will this make to our pollution?

[\*Limit on heavy-duty, on-road trucks idling to 5 minutes-Who enforces? Is this per mile, per day, per what? Exactly what change will this make?]

[\*Transportation control measures-What is this all about? Is this law? When required? What change will this make?]

[App A.3.12-1, Table 5, ES, p24. This table is out of date and should be updated.]

22-147

\*SB5 enrolled, etc- explain this in clear English.

\*EPA must approve SIP, etc- Did they? Update.

Table 10 Entitled "Bayport Project EIS Bayport Container Facility Onsite Emissions from Vehicles" shows increasing emissions as the years go by, which is consistent with an increase in traffic. However, Table 3 in this same general area shows a decrease in emissions, which is inconsistent and can't possibly make sense. This is another example of faulty data which must be explained in a supplemental DEIS.

23-147

Table 12, footnote e: "assumed" that engine idle time will be 15 minutes for cruise and containerized trucks, HDDV trucks, off-site. What idle time was assumed for containerized facility trucks, on site? What does Barbours Cut data show about idle times at that facility for on-site idle times over the past several years?

23-148

The USACE is supposed to take into account various economic effects of proposed projects, (page A1.3-7) but the study is seriously deficient in this area. The study only seems to assume jobs, real estate values, etc. but a huge economic distinction exists between Shoal Point and Bayport, for example. That difference is the cost to taxpayers. The cost at Bayport is forecast at \$1.2 billion of public money, while at Shoal Point there is no public money required. This economic impact must be honestly considered and evaluated in the study. How could you overlook \$1.2 billion? What about all the road and bridge costs?

6-120

11755

Over the past 3 years how much money has the Port Authority paid to the companies that did these DEIS studies? Please report these values.

Respectively submitted,

Richard J. Gillen

03/02/2002

**Comments on the Bayport Container Terminal  
Draft Environmental Impact Study**

As a resident of the City of El Lago, one of the communities surrounding the proposed Bayport Terminal area, I am requesting that a Supplemental Environmental Impact Statement be prepared. This SEIS must give an unbiased and detailed evaluation of alternate sites, such as, Spilmans Island and Shoal Point.

I will not attempt to repeat the incisive, in-depth technical comments from numerous other sources. The focus is on the issues resulting from the effect that a Bayport Terminal will have on this community.

In your initial **Public Notice** the factors you are required to consider include the "needs and welfare of the people". This factor needs to be addressed.

*Socioeconomics*

[The DEIS fails to consider or mention the major adverse impact of decreasing property values for the residents and homeowners that are located in close proximity to this site.] This parameter is [one of the most critical and important concerns of the thousands of residents] in the nearby residential communities and the others within a few miles radius of the proposed Bayport facility, where property values will be affected. [Its omission in the evaluations does a major disservice to this group of concerned citizens.] Therefore, a complete and thorough assessment of residential property values is imperative for a proper consideration of impacts.

b-121

[Consultants for GBCPA feel that Bayport will totally transform land use patterns in Southeast Harris County.] This is even more apparent with the announcement of the San Jacinto Rail plan to develop a new rail line north of the Clear Lake area. [Land use changes that will occur within the region due to Bayport must be analyzed by the USACE.]

4-47

The land use experts expect that Bayport will ultimately cause the houses of over 5000 people, within one mile of the site, to be uninhabitable and result in their being abandoned over time. They also expect that Bayport will severely and negatively affect another 20,000 people living within a few miles of the site. [We also ask the USACE to clearly analyze and explain any decline in residential land use or any change in existing residential land use patterns.]

[No allowance for the impact on the people living around Bayport and the alternate sites was made.] These areas varied in density from: Bayport-22,955; Spilmans Island-4,109; Shoal Point-2,553; Cedar Point-6176; Pelican Island-532; Upper San Jacinto Bay-23.

5-30

[The DEIS section on Community Infrastructure and Municipal Services (E.6.2.6) provides no analysis of the needs imposed by Bayport and its offsite support facilities.] It uses the arrogant assumption that existing water supplies, sanitary waste treatment facilities, natural gas service are adequate or will be provided by someone on demand.

24-6

### *Cruise Terminal*

[An explanation is needed for the container Terminal and the Cruise Terminal being joined at the hip. This arrangement complicates the analysis of alternate locations beyond measure.] In ES3, paragraph 3

23-151

the mission of the Port of Houston, includes contributing to the economic development of the Texas Coastal Region. [There is no consideration of economic development of the Texas Coastal Region to be found.]

6-122

However, [rather than competing with the cruise ship activity in the Port of Galveston, The Port of Houston should support a strong cruise ship business in Galveston.] This will take advantage of the lesser bay transit time and the established use of Galveston as a port-of-call. Such an approach will allow a thorough and focused evaluation of the Container Terminal siting question, without the distraction of the Cruise Terminal.

20-42

[If the Cruise Terminal continues as part of the package, then a SEIS should include a detailed analysis of the Cruise Terminal as comprehensive and detailed as the Container Terminal. Among the questions to be considered are: Where are the codevelopment areas expected to be and their effect on the adjacent communities? What are the projected levels of auto and bus traffic? How will the surrounding communities be impacted when this traffic is added to the truck congestion from the Container Terminal? Where will the parking be? What collateral facilities associated with the Cruise Terminal are assumed in the analysis?]

20-43

### *Transportation*

[The DEIS glosses over the impact that the projected truck traffic of over 3 per minute in 2025 will have on the non-Bayport traffic. It assumes that any improvements needed will be provided by some other agency, but the expense is not included in the cost estimates.]

27-87



[There is no analysis of the effect on traffic of an overlay of the port related traffic to the normal mix of autos and trucks. The effect of 18-wheeler slowing speed and startup delays on the flow through congested intersections is not evaluated.] 27-8

[There is no evaluation of the trade-off of trucks VS rail.] Comparisons of current experience at Barbours Cut and Bayport assume Barbours Cut is a suitable model for Bayport. The containers at Barbours Cut are drayed to Burlington Northern Santa Fe and Union Pacific/Southern Pacific railyards. [No analysis was made of the reduction of truck traffic by improved rail movements.] 27-89

The impact of train movement and train traffic was not analyzed. Because of trains crossing an intersection, a road or neighborhood will be blocked almost 3 hours per day. There is no indication where the intersections are that will be blocked by Bayport trains. As a result, there is no analysis of the adverse affect on local travel in the surrounding communities. 27-3

The DEIS does not look at truck traffic impacts on Red Bluff Rd., Genoa-Red Bluff, Fairmont Parkway, or Bay Area Blvd thorough Clear Lake City. 27-49

### *Hazardous Materials*

Considering the volume of truck traffic [the DEIS states, "the potential of a hazardous material spill occurring during truck transport would increase proportionally. Area public services are adequate to address this increase." This unsubstantiated claim to the potential spill problem, which is compounded by the high increase in truck traffic and 8-6

general traffic density, needs to be addressed in detail.] Such safety services are always lagging and many times are not improved by local governments until well after the occurrences of a major catastrophe and the loss of life.]

2-6

There needs to be an expanded analysis of the hazardous material area. Who regulates the hazardous material transport, both truck and rail? What assistance will Bayport provide to its neighbors for hazardous materials spills? What hazardous materials were assumed in the DEIS?

8-9

#### *Air Quality*

For the past 2 years, the Houston area has been considered the smog capital of the country. The state has imposed a number of controversial measures in order to meet the EPA standards. The data in [Section 3.12 uses data from the 1980 time period. An analysis using data for the more recent years and considering the effects of container ships, cruise ships, cargo movers, and 16,000 diesel trucks is required.]

7-118

In addition, [the DEIS did not analyze fine particle (PM 2.5) air pollutants.] These are known to be more dangerous to the human body than the PM 10 particles. A Supplemental EIS needs to address and to include a thorough and complete analysis of the impact of fine particle air pollutants on this area.]

7-119

*Public Safety*

The DEIS claims that there are "no substantial differences between any of the sites" with regard to Public Safety. This is an irresponsible conclusion since [simple logic dictates that safety is adversely affected in direct proportion to the proximity of population density,] which obviously was not taken into consideration. With the horrendous increase in projected truck traffic, [it stands to reason that traffic accidents with commercial, individual, and municipal vehicles will definitely increase in high-density population areas. In addition, the incidence of spills from trucks and rail cars carrying hazardous fluids and flammable materials will further constitute a safety impact to local residents.]

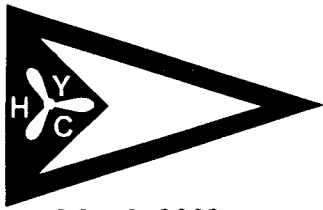
21-49

The statement in E6.2.13, that hurricane evacuation will not be effected, is absurd on its face. [Evacuation before a major storm will have to start at least two to three days before landfall. It is doubtful that Bayport operations would cease early to allow local residents to move out.] The trucks from Bayport will be clogging the same roads that are the evacuation routes for the areas to the south and north of the project. [The residents will have to compete with the terminal's truck traffic, which will impede and further add to confusion and safety at such a critical time.]

21-50

John W. Tully

February 27, 2002



# HOUSTON YACHT CLUB

Founded 1897

MAY 3 2002

May 3, 2002

DP 11775

SLC

Mr. Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: Houston Yacht Club's Comments to Bayport Channel ~~Revised Permit~~  
**Application**, No. 21520.

Sir:

Houston Yacht Club ("HYC") is in receipt of the Port of Houston's Revised Permit Application for the Bayport Channel/Cruise Terminal Environmental Impact Statement ("DEIS") concerning the proposed Bayport project. The HYC remains opposed to the project, and hereby incorporates by reference its previously filed letter pertaining to scoping (and attachments) dated 1999, and its response (and attachments) to the Draft Environmental Impact Statement dated March 9, 2002. Having reviewed the Revised Permit Application in its entirety, HYC has the following comments and submits the following response.

As a procedural matter, HYC strongly objects to the timing of the Corps supplemental public notice (April 4, 2002), which incorporates changes to the Draft Environmental Impact Statement (DEIS) with such insufficient notice so as to make study and research difficult, if not impossible. HYC is particularly concerned about the stated "new information" referenced in the Public Notice for the Project. See Public Notice, Permit Application No. 21250 (Revised), April 4, 2002. In particular, the Corps has not explained its basis and assumptions for designating 8.3 acres of jurisdictional wetlands and 114.5 acres of non-jurisdictional wetlands. Incredibly, the Revised Permit Application now finds more lands included as 'wetlands' than were included in the area of the entire project as first proposed!

The Corps has offered no analysis or explanation as to why the amount of wetlands has dramatically increased from previous statements, and has failed to demonstrate its methodology and legal reasoning for designating a particular area as

23-182

14-76

wetlands. Given that the definition of the term 'wetlands' is of controlling importance under federal law and regulations, the Corps's last-minute changes and lack of description are troubling. Compare DEIS at 3.19-17 (discussing wetlands designation, and finding 2.5 acres of jurisdictional wetlands) with Revised Permit Application (finding 18.3 acres of jurisdictional wetlands based on so-called "new information"). In addition, the revised permit application suggests that the Port of Houston has ready access to all the land (or has the clear legal right of condemnation) that is needed for its proposed facility, yet such is not the case. The last-minute changes to the application, coupled with the significant alterations to the findings of wetlands, raise serious concerns about the research that was supposedly conducted before the project was concerned.

14-76

In addition, the Revised Permit Application requests significant alterations in the project that were not included in the DEIS. To give a few examples, the Revised Permit Application now features a north-side "sound wall" and also adds provisions for directing additional outfall into Pine Gully. These changes affect the public and the public's use of these areas, and should be submitted to the public for the same opportunity for comment as the previous proposals. Given the significant changes embodied in the revised permit application, the comment period must be extended in order for the public to be adequately appraised of the changes so as to provide meaningful input.

23-172

"The primary function of an environmental impact statement under NEPA is to ensure a fully informed and well-considered decision." *Sierra Club v. United States Army Corps of Engineers*, 701 F.2d 1011, 1029 (2<sup>nd</sup> Cir. 1983). In this case, a fully informed and well-considered decision can only come with more study.

HYC's specific comments to the revised application are as follows:

**1.) The Project's size and area affected has significantly grown, yet there is no explanation as to why.**

As noted above, the areas of wetlands affected by the potential project has mushroomed from 2.5 acres (in the original DEIS) to 18.3 acres of jurisdictional and 114.5 acres of non-jurisdictional wetlands. Whereas the original DEIS addressed a total study area of 104 acres, the revised public notice has redefined the size of wetlands affected as larger than the amount of total acres originally studied. There is no explanation for the dramatic increase in the acreage of wetlands. This alteration (combined with its last-minute timing) makes meaningful study and commentary impossible. Again, the public comment period must be extended by at least 60 days. HYC renews its previous requests that the issue of the effect on wetlands be considered, and that a supplemental DEIS be issued that outlines in detail, the reasons why areas are designated as wetlands, as well as the effect of wetlands in the entire area.

14-76

In addition, the Environmental Protection Agency's section 401(b)(1) guidelines require that the Corps deny a permit if there are practical alternate sites that would entail

14-74

the destruction of less wetlands. As one example, the alternative site of Shoal Point would entail the filling of fewer acres of wetlands.

14-74

**2.) Over 300 acres of Open Water Habitat has suddenly “appeared”, yet was never mentioned in the DEIS.**

In its revised permit application, the Corps first acknowledges that 310 acres of open water habitat will be affected by the proposed project. No previous mention (let alone analysis) of this significant fact was included in the DEIS. This omission suggests that the Corps has not taken a hard look at the environmental consequences of the project.

12-45

As Texas’s largest estuary, Galveston Bay serves as “a nursery and habitat for vast numbers of wildlife, including fish and migratory birds . . .” *Sierra Club v. Sigler*, 695 F.2d 937, 965 (5<sup>th</sup> Cir. 1983). The fact that the Corps has belatedly recognized that over 300 acres of open water habitat will be affected strongly militates in favor of rethinking and redrafting the DEIS, and allowing further time for public comment.

23-189

**3.) The revised permit application –like the DEIS – fails to address the effects of deepening of the ship channel to 50 feet.**

As was true in the DEIS, the revised permit application fails to account for the undisputed widening and deepening of the ship channel to a greater depth. The increased depth of the channel will undoubtedly affect the salinity levels in the Bay, yet such impacts are again not discussed in any detail.

20-1

In addition, the revised permit application –like the DEIS—fails to adequately address shoreline erosion issues. HYC incorporates by reference the 5-page letter written by engineer Larry A. Wise, dated March 12, 2002.

15-2

**4.) The revised permit application includes a new feature –a 20-foot noise wall on the north shore of Bayport Channel–, which appears flawed, and at least requires additional time for study.**

As noted in HYC’s response to the DEIS and its scoping submission, noise levels are of particular concern to area residents in general, and to HYC in particular. Perhaps for this reason, the project was belatedly amended to include a 20-foot sound wall and to relocated proposed earthen berms. Unfortunately, these dubious features were added at such a tardy date so as to make meaningful study difficult, if not impossible. Again, the public comment period must be extended by at least 60 days. It is well known, however, that “sound walls” employed near freeways often have the deleterious effect of increasing noise levels in nearby areas because highway sounds simply “skips” over them. In addition, the notion that a 20-foot wall will have any meaningful effect on the noise

23-170

generated by cranes and ships that are considerably over 40 feet in height is, at best, doubtful. 23-170

In addition, the addition of a noise wall, or earthen berms (as proposed near El Jardin and Seabrook), significantly changes the aesthetics analysis that was contained in the DEIS. Again, further time for study and comment is urgently needed given the fundamentally changed nature of the project. 28-13

**5.) The revised permit application belatedly mentions the use of Pine Gully as a runoff.**

As is true with the issue of wetlands, the revised permit application represents another last-minute surprise with respect to a significant local waterway – Pine Gully. Incredibly, this body of water escaped mention (or notice) in the DEIS. Portions of the City of Shoreacres and southern La Porte drain into the Bayport Channel through Boggy Bayou and other outflows along the north bank of the channel. The impacts of the proposed concrete barrier on drainage and flooding must be considered. The fact that the Corps has belatedly recognized that Pine Gully will be affected strongly militates in favor of rethinking and redrafting the DEIS, and allowing further time for public comment. 23-186

**6.) The revised permit application continues to ignore HYC's concern with greatly increased commercial shipping traffic.**

In its previous submissions, HYC has raised its concerns about the deleterious effects of vastly increased container ship traffic on recreational boating. As an additional piece of evidence of such concerns, HYC attaches a copy of a newspaper article from The Bayshore Sun Extra, Wednesday, April 24, 2002, entitled "*Tanker, Historic Vessel Collide in Houston Ship Channel.*" As made clear in the article, the historic tall ship Elissa and the tanker Eagle Augusta collided near the intersection of the Bayport Channel. The sailing ship was in the area to help participate in a charity regatta. 31-15

During the scoping process, HYC submitted a 40-point list that included --in considerable detail and with supporting documents --a list of HYC's specific concerns with the project. Sadly, the DEIS and revised permit application reflect that this effort fell on deaf ears. These documents fail to address the concerns that were first raised by HYC in 1999, and which have renewed importance after the *Elissa* collision. Indeed, portions of the DEIS fail to make reference to the HYC in lists of recreational boating activities. 23-64

**7.) The revised permit application continues to ignore HYC's concern with being able to host the sailing events for the 2012 Olympics.**

32-1

As is well known, Houston is contending for the honor of hosting the 2012 Olympics; if selected, HYC would doubtless play a leading role in hosting the competitive sailing events. Section 3.11-4 of the DEIS ("Parks and Recreation") casually and incorrectly mentions, "No direct or indirect impact would occur to recreational properties within the Bayport Study Area." Page 3.11-4. The revised permit application continues this oversight. 32-1

HYC is located in the City of Shoreacres and holds weekly sailboat races and other on-the-water activities in the adjacent waters of Galveston Bay. With the exception of the Second World War, it has done so regularly since 1926. While many local residents have understandably expressed concern over the effects of the Bayport project on air quality, traffic, and the salinity of bay waters, HYC is unique in that it has an additional series of concerns that are not represented by other parties. These unique interests include those of recreational sailors, patrons of the club's restaurant and bar, Olympic sailing team hopefuls, and youth sailors. In short, HYC is a unique voice that must be heard --and addressed-- if the scoping process is to have any legitimacy. 32-22

#### 8.) The revised permit application continues to ignore security concerns.

As part of the scoping process, HYC specifically raised concerns about the propensity of the proposed project to unwittingly harbor or facilitate terrorist activities. These concerns remain unaddressed.

HYC incorporates by reference its previous comments to the DEIS. Specifically, a March 2002 article appearing in the New York Times quotes U.S. Coast Guard Rear Admiral Terry Cross as cautioning the nation's ports that, "Ships can be used to transport terrorists or weapons of mass destruction. They can be used as weapons, and they are going to try to blend in and look like regular traffic. We think it is important to publicly recognize how vulnerable seaports are." The same article proceeds to quote the United States Commissioner of Customs, Robert C. Bonner, as being concerned that terrorists would hide an explosive weapon in one of the 600,000 cargo containers that arrive in American ports each day. Unfortunately, fewer than three percent of the containers are ever opened and inspected. **Commissioner Bonner labeled the horrifying prospect of a container-born bomb as a "nuke in a box."** Bonner continued, "One of the most lethal terrorist scenarios is the use of oceangoing container traffic as a means to smuggle terrorists and weapons of mass destruction into the United States. And it is by no means far-fetched." On March 8, 2002, Graham Allison of Harvard University stated on the Capital Report (CNN) that "the next attack on the U.S. will be 9-11 with a nuclear weapon and we have no adequate detection method in place." 21-16

In light of the events of September 11, HYC renews its requests that a *supplemental* DEIS be conducted to address topics including: (1) Ability to protect the project and surrounding areas against possible terrorist attacks; (2) Likelihood of Containers being used as vehicles for the introduction of bombs and/or chemical and/or 21-59



nuclear weaponry; and (3) Ability of local civil defense and/or police and/or military to respond to terrorist attacks arising through container port facilities.

21-43

### Conclusion

The revised permit application belated raises significant issues that were previously unaddressed. The amount of wetlands has increased dramatically, and the effect of the project on areas such as Boggy Bayou and Pine Gully is now (belatedly) acknowledged. Further study is necessary. The Club reurges its previous comments, and respectfully requests in the strongest possible language that its comments and evidence be considered. In addition, the Club renews its request that a Supplemental DEIS be produced that addresses the effect of Bayport on:

23-172

- Local Property Values
- Local Land Usage (residential, recreation, and business)
- Wetlands

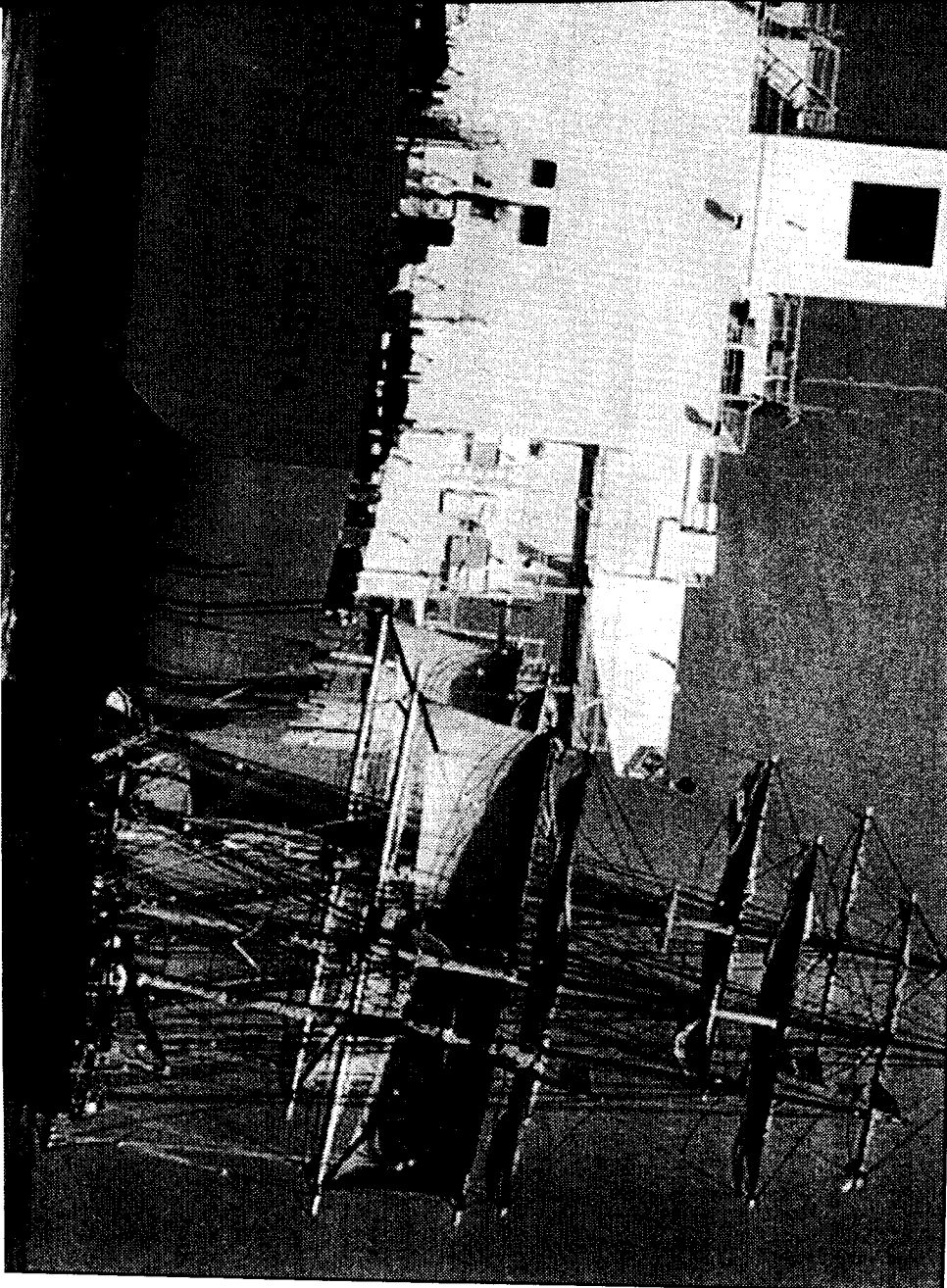
as well as the container project's potential to become a terrorist target.

23-55

The Houston Yacht Club awaits with interest the Corps' further study of this issue.

Respectfully submitted,

*Club Captain*



## Tanker, Historic Vessel Collide In Houston Ship Channel

The historic Tall Ship Elissa and the tanker Eagle Augusta Singapore collided this past Saturday just before noon in the Houston Ship Channel, near the intersection of the Bayport Channel, Portian Dr. Rene Maher was on the scene and took the photo. The tanker was passing the sailing vessel when the collision occurred. It is believed that the Elissa was drawn toward the tanker's large wake that was created during the pass. The sailing ship's what has been described as minor damage, and was soon able to continue on its way, as did the tanker, with no apparent damage. Elissa had left Galveston earlier that morning, on its way here in support of the annual Elissa Regatta held at the Houston Channel. It was not only the tall ship but also Boys & Girls Harbor. The sailing vessel has such a deep draft that it needs to stay in the channel and cannot get to HCYC, officials wanted the historic ship to stay in the area as the Regatta was being held.

## Obituary

Eric William Berry, 20, of La Porte died April 20, 2002 in Leon, Texas. Eric was born December 14, 1981 in Houston to John W. Berry and Deanna K. (Elias) Berry. He was a graduate of La Porte High School and a member of the Coast Guard.

Services were to have been held at 10 a.m. Wednesday, April 24, 2002 at the Creekmont Baptist Church in La Porte, officiated by the Rev. Mark Interment will be at San Jacinto Memorial Cemetery in Houston.

MAY 06 2002

DP 11776

u

Dear Sir,

After reading the revision to the North Shoreline (the 20ft high cement continuous barrier). This is not a good, acceptable solution.

If we look out our kitchen window we're looking at the water. Our house sits close to the fence line so we can sit on our back porch and get a good breeze off the water.

A cement barrier would be like a prison compound. Our house is probably the only one because of its location where the water is visible - the trees that were planted on the bank have not survived - and for us you can't plant trees in the rocks and were assuming they would not be planted on the access road.

28-9

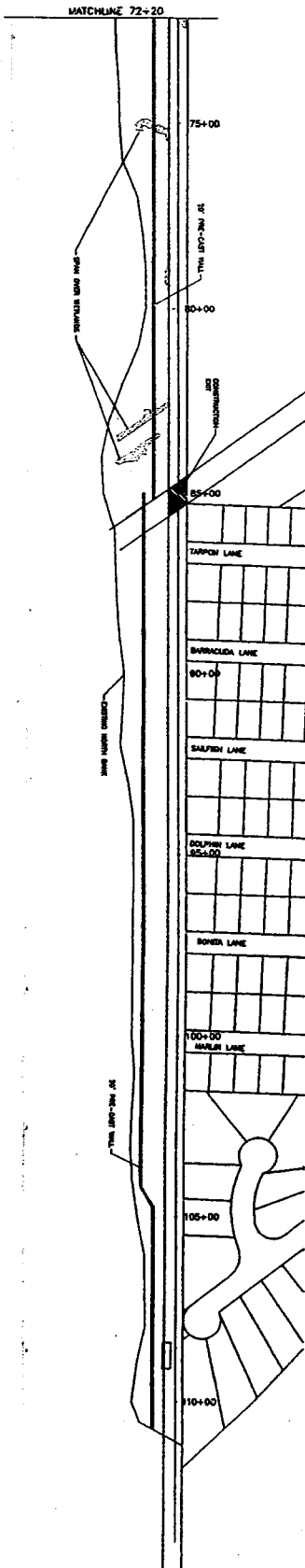
to cut off the breeze and put in a <sup>50</sup>  
 20 ft high cement barrier: we cannot be-  
 lieve this is a good solution. Well yes!  
 but who is buying on our street? 28-9

How will this barrier affect drainage  
 that now exists from the street to the  
 Bayport Channel? 25-11

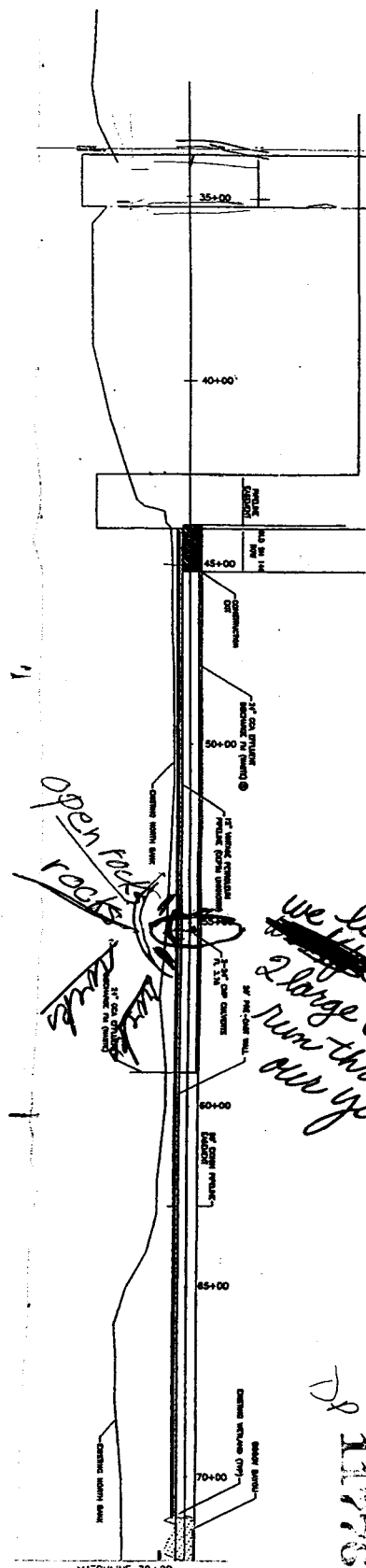
Yours Truly  
 Noreen Cyr  
 Lloyd Cyr

Mr. & Mrs Lloyd Cyr  
 523 S. Shady Ln  
 La Porte, TX 77571

215-20 (REVISED)

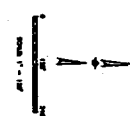


BAYPORT SHIP CHANNEL



open rock  
rocks  
we live here  
2 large oysters  
run through  
our yard

1177'S



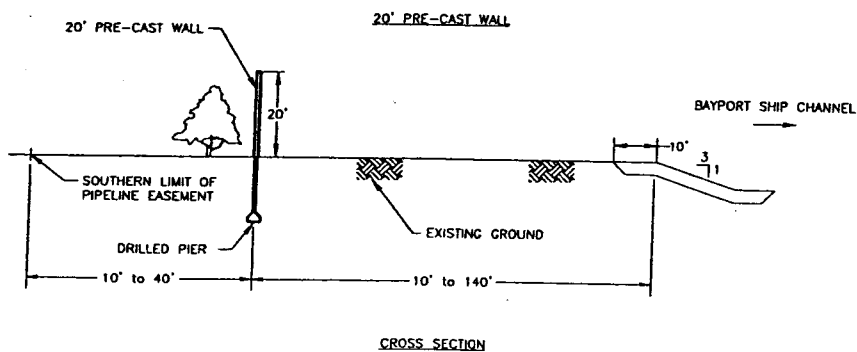
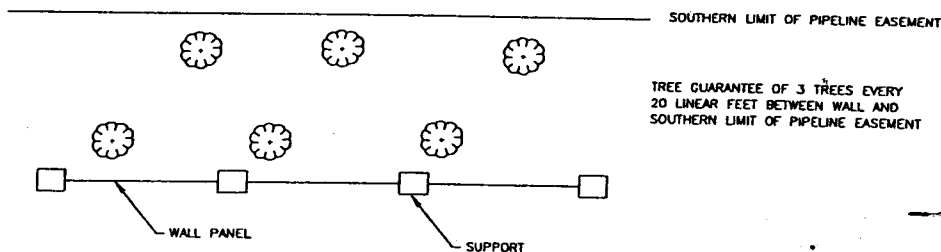
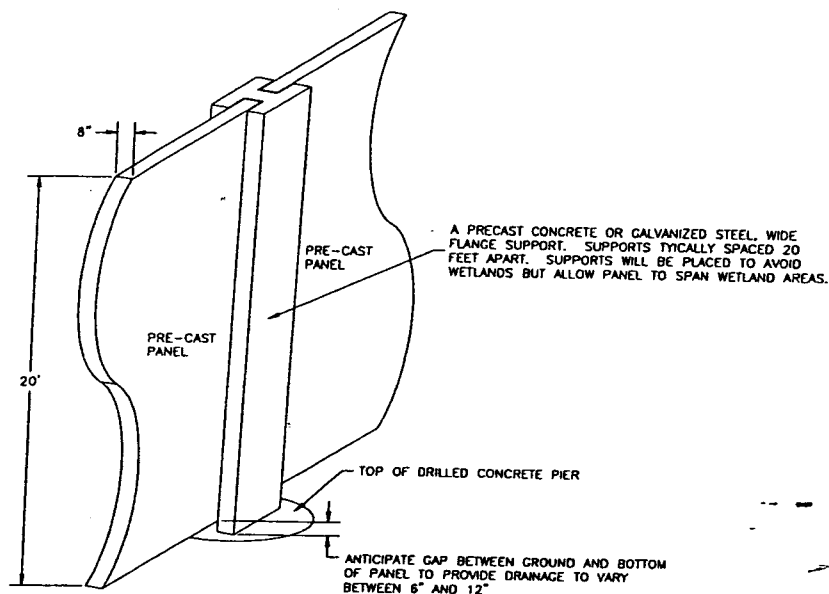
BAYPORT SHIP CHANNEL



TurnerCollieBradenInc.  
Bayport North Shore  
20' Sound Wall  
Plan View

Sheet 18 of 28

DP 11776



NOT FOR CONSTRUCTION

Turner Collie & Braden Inc.

Bayport North Shore  
Typical Details



FROM: Bill Scott, 1802 Lomax School Rd., La Porte Tx., 77571

DP 11777?

SCC

TO: Kerry M. Stanley, Regulatory Branch, CESWG-PE-RBG, Army Corps of Engineers

SUBJECT: Port of Houston Permit Application 21520(Revised) DEIS Public Comment

Dear Sirs,

I would like you to include in your DEIS, a study of the win, win location for the PHA expansion. A gentleman wishing to remain unnamed has shown me a location that is so simple that it has been completely overlooked. I believe it would save tens of millions of tax dollars, have NO wetlands impact, NO residential impact, greatly reduced pollution impact, and greatly reduced traffic and rail impact.

2-93

A look at an aerial photo of the Barbours Cut terminal reveals that docks can easily be extended westward to greatly increase the current capacity by:

1. buying a small piece of the South East corner of the Enron Plant where a few empty buildings are located, which is very doable.
2. moving the Cruise terminal to the North side of the cut where it could also expand. A sound unpaved road already exists to this area and vehicle parking would be OK for the softer soil in this area.
3. cutting a channel with a slight bend at the Enron Plant.
4. slightly rerouting, or even possibly using an existing 8 spur rail yard near the abandoned Mercedes assembly building.

2-172

Key to this expansion is the abandoned County dump that is already owned by the County. If the PHA says they can't put containers on the abandoned County dump; Then ask them why containers are currently being stored and stacked 6 high on top of an abandoned City dump located just East of the County dump.... with no ill effect.

2-172

I think the PHA can't get around this one.

This comment will also go to the County Commissioners, local city representatives, state and federal representatives, and the GBCPA.

Thanks

  
Bill Scott, Treasurer for the GPAC,  
"Common Sense Government"

DP 11778  
SCC**Name:** MARY ANN ALLEN**phone:** 281-471-6629**address:** 215 Bay Colony Dr. - La Porte, TX  
77571**F A C S I M I L E****To:** Army Corps of Engineers**Fax Number:** 409.766.3931**From:** Mary Ann Allen**Fax Number:** 281.842.7763**Page** 1 **of** 1**Comments:** PHA's Bayport Channel Container/Cruise

Terminal Revised permit application (Permit Application No.

21520-revised). Bayport will have a negative effect on the Public

Interest. I am opposed to this project for reasons already submitted to the  
Army Corps of Engineers Galveston District.

29-92

**Signature:**

Mary Ann Allen



MAY 07 2002

May 4, 2002

Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, TX 77559-1229

DP 11779

SLC

Dear Mr. Stanley,

Please add the following comments to the previous comments I made on the DEIS.

Thank you for correcting the acres of wetlands. It is so important to save what we have on Galveston Bay. I am still concerned about this process however and I am still adamantly opposed to the building of this port at Bayport.

The changes submitted to you by the Port of Houston Authority are substantial. The ~~Sound~~ Sound Wall alone is a dramatic change and should be studied thoroughly. Why is there no revised DEIS? Now there seems to be a new outfall to Pine Gully? What is going on with this process? We need to see these changes and the studies on them. How can you promote the process we are experiencing is being fair to the public? This is obviously a flawed process

May 4, 2002

DP 11779

5CC

if there will be no revised DEIS,  
I cannot even believe how unfair this  
will be to citizens if we don't get  
a ~~chance~~ chance to see a revised DEIS. 23-186

I am very concerned about the project  
but I am dismayed at the tactics  
being used by the Port of Houston Authority  
to push this project through against the  
will of the public. Please give us the  
opportunity to see a revised DEIS and 23-185  
a fair amount of time to digest and  
comment on the changes.

Thank you for your consideration  
of my comments.

Karen Laake  
P.O. Box 2146  
Dickinson, TX

77539

Please note the change of my address.

DP 11700

SCC

**TO: Kerry M. Stanley**  
**Regulatory Branch, CESWG-PE-RB**  
**U.S. Army Corps of Engineers**  
**P.O. Box 1229**  
**Galveston, Texas 77553-1229**  
**Fax# 409-766-6301**

**4 May 2002**

**FROM: Peggy H. Ryan**  
**3540 Miramar Dr**  
**Shoreacres, TX. 77571**  
**281-470-1480**  
**Fax # 281-470-1487**

**SUBJECT: Bayport Ship Channel Expansion, by Port of Houston Authority.**

**Please do not pollute our Galveston Bay any more than you have already.** ] 9-3

**There are other areas that can be used for this purpose that the Corps has not honestly considered and can and should be used.** ] 2-2

**We have had too many chemical spills and explosions, spewing poisons into the Bay waters and our neighborhoods and an undesirable and illegal encroachment on the pristine waters and residential communities along Galveston Bay.** ] 8-4  
] 22-157

*Peggy H. Ryan*

Evan Kerr (Mrs. Henry B. Kerr)  
110 Fairfield  
Shoreacres, Tex. 77571  
May 4, 2002

DP 11701

2CC

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, Texas 77553-1229  
FAX 409-766-6301

Dear Mr. Stanley,

You have received two letters from me recently - I wrote one to you on Mar. 11, 2002, and a second letter I wrote to you on March 12, 2002.

You responded I am glad to say on April 5, 2002. Thank you for your response. May I make comments now on the Revised Permit Application (21520) dated April 4, 2002? I am appalled at the indifference <sup>of the Part of Houston</sup> to expressed objections by

23-181

Citizens and environmental groups. The Port ignores the alternative sites of Shoal Point and Spillman's Island, which have fewer acres of jurisdictional wetlands.

14-74

Also, the total of jurisdictional wetlands has changed with the new application — the total is larger than that given in the DEIS — We should have additional time to study this

14-75

inconsistency. Over 310 acres of open bay water are included in this revised application that were in the original DEIS.

23-189

The revised application by the Port also includes a concrete wall, supposedly to screen the neighborhood from noise and light. Useless. It can't screen out light, no matter how high. It can stifle circulation of air, that is necessary for life

28-13

along the shore; it won't cut-out the noise — The wall could increase it. ] 3-60

The Port doesn't own all the land they show that they own, or can keep, in the permit application. The Port is misrepresenting their ability to obtain this property. ] 4-27

As I see it the expansion by the Port of Houston of Bayport, at the Bayport site, endangers our way of life, the beauty of Galveston Bay, the upper, historical Bay — its value as a <sup>Texas</sup> Coastal treasure, for fishing, sailing and boating in all forms — ] 5-2

I still object in the ways I expressed to you in my two previous letters — and urge you to reopen the comment period by us, the affected residents, and then follow it with a supplemental DEIS. Thank you, Mr. Stanley, for your consideration. ] 23-185

Gwen Kerr (Mrs. Henry Kerr)

MAY 06 2002

May 4 '02

Reference: Public Notice For Permit Application  
# 21520 (Revised)  
Comments

DP 11782

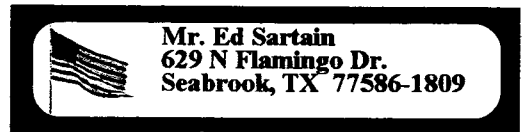
SCC

Dear Mrs. Stanley,

I object to the applicants proposed berm relocation (sheet 2), vegetation (sheet 16, 17), precast concrete wall (sheets 18, 19), and wave crane noise reduction systems. These are just window dressing at Harris County taxpayer expense. Anyone close enough to get some minor ~~benefit~~ benefit would be dwarfed by much larger factors not mentioned. 3-61

I object to the outfall structures into Pine Gully (Sheets 5-8). Pine Gully is already at full capacity. It would become just another drainage ditch. 25-14

Sincerely,  
Ed Sartain





# Southwest Wire Rope, Inc.

1902 Federal Road • Houston, Texas 77015  
(713) 453-8518 • Fax (713) 453-7431

"ISO 9002 ABS Certified"

DP 11783

Date: 5-3-02

Fax Msg. No. 1-409-766-3931

Page \_\_\_\_\_ of \_\_\_\_\_

ATTENTION

FROM

Name Kerry Stanley  
Company \_\_\_\_\_

Name Marybeth Maher



May 3, 2002

Fax: (409)766-3931  
Mr. Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

Re: Port of Houston Authority's Bayport Channel Container/  
Cruise Terminal revised permit application (Permit  
Application No. 21520-revised)

Dear Mr. Stanley:

Please incorporate in my comments on the revised permit application the attached letter dated March 12, 2002 which commented on the DEIS. The revisions do not change my opposition to the issuance of this permit.

Area citizens have not been given adequate time to review the revisions, understand the changes and the implications of these changes. The comment period for the revised application must be extended 60 days.

23-182

The DEIS includes alternatives, including Shoal Point and Spillman's Island that require fewer acres of wetlands being filled. These alternatives are feasible and practicable. The Corps of Engineers should conduct a detailed, independent analysis of the Spillman's Island alternative.

14-74

Because the total acreage of wetlands on the site has changed from that documented in the DEIS, the DEIS should be reopened for 45 days to allow the public to amend our comments on the DEIS.

14-75

The number of bay open water were changed to 310 acres. These open waters are too valuable and important to be given away. The DEIS should be reopened to allow the public to amend our comments on the DEIS.

23-189

In the revised permit application the Port of Houston Authority (PHA) represents that it has title to the land or has the ability to gain title to the land. It does not have title to all the land shown in the permit application. Owners have put in writing that they do not intend to willingly sell. Facts in the application, therefore, have been misrepresented. The Corps should investigate this misrepresentation and require the PHA to withdraw its application until it has complied with the law.

23-16

Page 2.  
Mr. Kerry Stanley  
May 3, 2002

DP 11783

SCC

The addition of a concrete barrier noise wall on the north side of the channel affects comments made by the public to the DEIS. We have not had adequate time to study and respond to this wall and how it now affects noise impacts, aesthetics, drainage and wildlife. The DEIS should be revised to be consistent with the revised permit application and be reopened for public comment.

The public deserves the right to have time for additional review and comment on all of the revisions made to the DEIS. There should be a reopening of the comment period on the DEIS, followed by a supplemental DEIS as requested in my March 12, 2002 letter.

Other alternatives are more acceptable because they create less negative impacts to the area and its residents. The Bayport site should be rejected for a container facility.

Thank you for your attention to my concerns.

Yours truly,



Mary Beth Maher  
3610 Miramar  
Shoreacres, Texas 77571

6  
25-11  
28-13  
3-58  
12-49

23-186

2-3

March 12, 2002

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers, Galveston District  
Regulatory Branch  
Galveston, Texas 77553

DP 11703  
SCC

Dear Mr. Stanley:

This letter is to voice my opposition to the granting of a permit for the Bayport Channel Container/Cruise Terminal. The following comments include concerns not addressed adequately in the Draft Impact Statement (DEIS) for the Bayport Marine Terminal.

All of residents of the City of Shoreacres and a large part of the City of LaPorte is located in an area just to the north of the Bayport Channel. This area is bordered by the Barbour's Cut Container Terminal on the north, Galveston Bay on the east, Highway 146 and approximately 60 chemical plants on the west and the proposed Bayport container port on the south. Within this rectangular area are LaPorte's only high school, a junior high school, two elementary schools, two retirement homes, Boys and Girls Harbor (a residential facility), several community and city parks. Many of the people within this area, especially children, spend a large part of their time out of doors. The schools have their athletic fields within this area.

22-57

The present air quality of Harris County is extremely bad, and this area already includes extremely high levels of pollutants. The addition of the emissions from the 5000+ diesel trucks traveling from Hwy 225 along Hwy 146 into this proposed facility, idling their engines during the process of loading and loading, then returning back North along Hwy 146, will make this area unliveable because of the destruction of an acceptable quality of life. Added also to this area will be the emissions from the container ships, the cruise ships, the on-site support equipment, the cars, the cruise ships, equipment necessary for facility construction and road construction.

7-32

The LaPorte school buses travel along Highway 146. Our emergency support comes down Hwy 146 and must cross the the rail tracks that border Hwy 146. The additional 8 trains per day, 8000' in length and/or a hazardous rail or highway accident can potentially block emergency assistance into and out of Shoreacres. Highway 146 is an escape route for this area mentioned above.

27-53

27-36

The confirmation of the potential damage to this area came as recently as my protest to the Harris County Appraisal District concerning a very large increase on my 2002 homestead taxes. When the information on the proposed Bayport container terminal was presented to the panel of three, they immediately kept the same tax rate from the previous year. Shoreacres has no commercial businesses except the Houston Yacht Club. Therefore, to exist with adequate city services, they must have a good tax base. The proposed facility has the potential of changing a residential area into an area of abandoned homes and lots for containers.

6-12

6-9

There should also be a concern about the potential for flooding in Shoreacres and LaPorte if the Bayport Channel is widened to the south. The effects of hurricane winds and tidal inflow have not been addressed.

25-10

The Port of Houston Authority ripped all the lush green environment from the north bank of the Bayport Channel when they (after 15 years of letting erosion occur) decided to add some riprap to stop the erosion. This served as a noise barrier. Any type of berm will only help a couple rows of houses behind the berm. The prevailing winds from this facility will cause the noise to most affect the areas to the north.

3-19

3-2

The lighting will completely change the night sky. There will be no more peaceful, night activities. The noise, lighting and pollution will stop this! The birds that exist now along the shoreline, egrets, herons, and pelicans will have to relocate.

17-9

12-13

The cumulative effects of this project must be weighed fairly, and not biased to the selection of the Bayport site.

] 18-3

There should be a supplemental DEIS to address the concerns with studies showing the effects of this proposed project on areas such as the one I am referencing.

] 23-19

Mary Beth Maher  
3610 Miramar  
Shoreacres, Texas 77571

*Mary Beth Maher*

# Charlotte Wells

DP 11784

SCC

phone: 281.842.7764  
fax: 281.842.7763

## F A C S I M I L E

Date: 5/3/02

To: Army Corps of Engineers At: Kerry Stanley  
Fax Number: 409.766.3931

From: Charlotte Wells

Fax Number: 281.842.7763

Phone Number: 281.842.7764

Comments: PHA's Bayport Channel Container/Cruise

Terminal Revised permit application (Permit Application No.

21520-revised) Page 1 of 9

DP 11704

We need more time to comment. I received the Public Notice dated April 4, 2002 on April 8. When I called the office of Kerry Stanley, I was told he would be out of the office from 4/9-4/11. Kerry is also out of the office today on 5/3. I had several questions which Casey Cutler was unable to answer. This revised Public Notice significantly changes a number of the issues which were addressed in the DEIS. The DEIS comment period should be reopened.

23-172

I filed comments to the DEIS and I continue to oppose the project and want to make sure those comments will be considered. I also submit the comments made by the City of Shoreacres, HYC, and GBCPA. The PHA, are not and never will be "good neighbors"! No public relations campaign or mitigation will make this project acceptable to residential communities. Just this week the "port commissioners voted to acquire three tracts of land for its Bayport Terminal Project. The vote calls for acquisition, or if that is unsuccessful, condemnation through eminent domain." (4/23/02 Houston Chronicle; Business, page 1) Seizing property is not in the public interest!

29-35

5-24

20-26

### Criminal

The Port of Houston Authority does not have title to all of the land that is shown in the permit application. Many landowners have told the Corps that they do not intend to sell their property and the City of Seabrook and possible others have informed the Port that they will not allow condemnation within their municipal boundaries. According to the Corps regulations, the Port represents that it has title to the land in the application or has the ability to gain title to the land. I don't believe that the PHA can make that representation in good faith at this time. Please investigate this issue. If the Port is misrepresenting their ability to obtain this property, it is a big deal! According to the signature line on the application itself, it is a federal criminal offense to misrepresent facts in an application.

22-153

23-16

### Wetlands

The number of jurisdictional wetlands has changed several times since I first read about the "proposed" project. In the DEIS, less than 2.5 acres were considered jurisdictional. Currently the site consists of 18.3 acres of jurisdictional wetlands and 114.5 acres of non-jurisdictional wetlands. I am not convinced that any of these numbers are accurate. When I asked Charlie Jenkins how they determined "jurisdictional wetlands", he evaded the question. I do not believe a professional hydrologist would find the same amount of adjacent wetlands listed in the DEIS or Public Notice. A hydrologist would find that all waters, including "non-jurisdictional, or isolated wetlands are in fact, connected to waters of the U.S./Galveston Bay. Storm-water runoff, which will be created when they ditch and pave the (questioned) acres of wetlands, will force the water into Galveston Bay. The water will go to the closest source.

14-76

Note: The PHA filed for a storm-water permit for several sites and did not include Bayport. Why?

25-15

Look to recent Post-SWANOC Court Decisions and how they apply to the Corp's decisions.

### U.S. v. Rueth Development Co. The Court wrote:

Defendant's Site is a wetland which has an affect on flows to Dyer Ditch, and ultimately the

14-77

DP 11784

Little Calumet River. The Little Calumet River is itself a navigable waterway. A drop of rainwater landing in the Site is certain to intermingle with water from the Little Calumet River. The relationship between the wetlands and the navigable waterway is direct. The site, therefore, has the "significant nexus" to a navigable waterway necessary to trigger Army Corps of Engineers' regulatory jurisdiction under CWA 404(a).

Headwaters, Inc. v. Talent Irrigation District. In explaining its reasoning, the Court quoted favorably the Eleventh Circuit Decision in U.S. v. Eidson, 108 F. 3d 1336, 1342 (11<sup>th</sup> Cir. 1997):

Pollutants need not reach interstate bodies of water immediately or continuously in order to inflict serious environmental damage. It makes no difference that a stream was or was not at the time of the spill discharging water continuously into a river navigable in the traditional sense. Rather, as long as the tributary would flow into the navigable body (under certain conditions), it is capable of spreading environmental damage and is thus a "water of the United States" under the Act.

14-77

Idaho Rural Council v. Bosma, 143 F. Supp. 2d 1169 (D. Idaho 2001). The Court held that the CWA extends federal jurisdiction over groundwater that is hydrologically connected to surface waters that are themselves waters of the United States.

United States v. Interstate General Co. The U.S. District Court expressly rejected the argument that after SWANCC, CWA jurisdiction is limited to traditionally navigable waters and wetlands and waters immediately adjacent to traditionally navigable waters. (Oral argument is scheduled for appeal on May 6, 2002)

U.S. v. Lamplight Equestrian Center. The Court recently upheld CWA jurisdiction over a wetland adjacent to a tributary to navigable waters. The Court focused on a "significant nexus" between the wetland and the Fox River.

The courts are proving "jurisdiction" by demonstrating hydrologic connections. It is ironic that the PHA, whose business is interstate commerce, does not see the connections between wetlands and "waters of the U.S."

The wetlands are among the Earth's most important ecosystems, providing many benefits, including food and habitat for fish and wildlife; flood protection; erosion control; food for human consumption; water quality improvement; and opportunities for recreation, education and research.

I live between Bayou's Cut and Bayport in Shoreacres. Storm-water carrying pollutants will runoff and the runoff will damage the fishing industry. This means that the shrimp trawlers and one commercial crabber in front of my house. We will have major storm damage from flooding. Our shorelines will erode from the increase in ship traffic. The bay's recreational fisherman, hunters, sailors will drop in numbers. This will effect the economy of Harris County. Many people in the City of Houston would like to host the Summer Olympics. The sailing events will occur next to the proposed facility. We know water quality will be

32-3

32-1

DP 11784

We need to protect Galveston Bay. The Comprehensive Everglades Restoration Plan will cost \$7.8 billion and take 20 years to develop. We need to value the unique environmental, social and economic values wetlands provide before we pave the land.

32-8

### Wetland Mitigation

"The applicant believes that permanent protection of 163 acres offsets the impacts to aquatic resources located at the Bayport Terminal site." Please see above WETLANDS. If the PHA were to mitigate, which they should not, they should mitigate for the non-jurisdictional wetlands at a ratio of 5:1.

14-78

Armand Bayou is leased, not owned. They have only 70 years left on the lease. How can the PHA guarantee that this "mitigation" will be "permanently" protected when Armand Bayou does not own the land?

12-50

Wetlands are different, yet they are often "mitigated". A prairie pothole and an estuarial wetland differ in important functions as do mitigated wetlands and a natural wetlands. To "create a wetland" would be like creating an artificial arm. We don't allow medical research groups to lop off someone's arm and offer to replace it with a prosthesis. The prosthesis in most her case the arm is missing not used in a trade. Neither could you offer an artificial leg for a missing arm. Mitigation will not compensate for the loss of prairie potholes on Galveston Bay!

14-17

14-54

### State Water Quality Certification

Because the applicant incorrectly guessed the amount of jurisdictional wetlands, they do not fulfill Tier I criteria for the project. Now, TNRCC certification is required. Was this an honest mistake which allowed them to escape the more stringent public commenting and state review process? The applicant must know and understand the Clean Water Act since it's entire business exists on or beside water.

14-79

Since the Corps has an "agreement" with TNRCC, and this notice "advises" us, why on earth must the public also contact TNRCC? If by chance you speak to TNRCC.....tell them I want a hearing.

### National Register of Historic Places:

Two woolly mammoths have been found in Galveston Bay. So far, the applicant had difficulty performing the science used to delineate jurisdictional wetlands even when they employed "technical experts". How, therefore, do you think construction workers with bulldozers will identify an item of archaeological importance? The Public Notice states, "all project plans under this permit will have to be fully addressed and resolved for potential impacts." WHEN DO YOU INTEND TO ADDRESS THIS ISSUE?

16-7

### Essential Fish Habitat.

See above Wetlands. Of course a thousand acre container port will have a negative effect on water quality which will impact the fish. Exactly when will you make a final determination? Why would you determine the need for mitigation if the "proposed action would not have a substantial adverse impact on Essential Fish Habitat?" If so, then the PHA should not mitigate fish? How do you remove or mitigate "aluminum, zinc, lead and uranium" found in

12-14

8-7



JP 11784

fish moving up the food chain? Will you review cancer studies?

] 12-17

#### Beneficial Use of Dredged Material

Isn't that an oxymoron? That dredge material is great habitat for fire ants which prey on small birds and their eggs. In order to keep the fire ant population under control on dredge islands, pesticides which contain labels saying, "do not use near water" are poured into the dredge directly into Waters of the U.S.

] 11-35

#### Economics:

The PHA has not convinced me of the need or their ability to manage another container port. I see the cranes at Barbour's Cut sitting idle most of the time. Cruise Ships leave the Port of Houston because it's not profitable. Galveston is the port city where cruise ships ought prosper. The PHA claims they need more room for containers. The stacks of containers in LaPorte demonstrate the nature of the current container business, they are a one-way eyesore. valuable steel, fossil fuels, and other natural resources are used to manufacture "new" containers. It is not "profitable" to return to these containers to the port of origin. So they are left in our communities to rust, collect rats, and occupy valuable land.

] 1-25

I am attaching two articles concerning new technology and land use.

If we look to the future, a future which continues to fill LaPorte, Shoreacres, Pasadena and Seabrook with acres upon acres of empty containers, will we still say it's more economical to let them rust? The applicant wants us to believe it's more "economical" to dig up the bay, fill the wetlands with cement, spew nitrous oxide into the air and undermine the balance of the ecosystem to bring in more "stuff" for us to throw away. It seems easy for the applicant to say it's more economical to build Bayport than reorganize existing facilities when the PHA is not a business accountable to stockholders. The PHA is funded by taxpayers.

] 6-89

#### Cumulative Effects

Look to the future. The things in those containers may make our lives easier, but they don't create and support life like Galveston Bay. The cumulative effects of this project will impair water quality, pollute our air, increase the risk of flooding, and decrease the probability of a safe evacuation. Save Our Bay now! Don't go the way of the Everglades who will spend more than twenty years and billions of dollars to repair the damage of the shortsighted humans.

] 18-3

Sincerely,

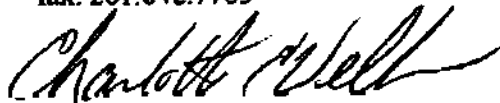
Charlotte Wells

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Environment News Service: AmericanScan: April 30, 2002

Page 1 of 1

## Conservation Groups Sue Over Ballast Water Dumping

DP 11784

**LOS ANGELES, California, April 30, 2002 (ENS)** - A lawsuit filed by environmental groups seeks to stop luxury liners from violating state law when discharging untreated ballast water into California waters.

The groups claim that cruise ships sailing into state waters from Mexico, Canada, and other distant ports often ignore mandatory ballast water treatment in order to cut costs. Ballast water is seawater pumped into ships to ensure stability at sea, and discharged as needed while in or approaching a port.

Ballast water is the single largest source of invasive species found in California ports. It carries foreign plants and animals that can invade local ecosystems and displace native species.

Using records from the California State Lands Commission, the environmental groups' lawsuit alleges that in two out of three visits, ships owned by Carnival, Holland America, Princess and Royal Caribbean that dock in Los Angeles, San Francisco, or San Diego violate a ballast water law passed in 2000.

The Environmental Law Foundation, Bluewater Network, San Diego BayKeeper, and the Surfrider Foundation are suing all four cruise lines under California's Unfair Competition Law in Los Angeles Superior Court. The groups will ask the court to order cruise ships to halt any discharges of ballast water into California waters.

"Cruise lines must stop fouling California's waters in the name of good times and big profits," said Teri Shore of the Bluewater Network in San Francisco, one of the plaintiffs in the suit.

The 2000 law requires any ship sailing into California from outside the United States' 200 mile coastal zone to hold or treat any ballast water. An August 2001 letter from the State Lands Commission accused the cruise lines of failing to cooperate in finding a solution and threatened prosecutions for violating the law.

"Invasive species are a serious problem for California's coast," said Stephanie Pacey, attorney for San Diego BayKeeper. "It is time to put a stop to a practice that is so harmful to our ocean ecosystems for so long."

The groups note that cruise industry growth threatens future invasions. More ships are expected to travel West Coast waters beginning this year as cruise ships are being repositioned following the September 11th terrorist attacks.

Over the next three years, 37 new ships are scheduled for worldwide delivery.

"We want to bring this suit now to prevent future harm to San Diego's coasts and bays, as well as to work to repair and restore the damage that has been done in other parts of California," concluded Marco Gonzalez, president of the San Diego chapter of the Surfrider Foundation.

Paper: Houston Chronicle

Date: TUE 04/16/02

Section: BUSINESS

Page: 1

Edition: 3 STAR

DP 11704

## West Coast port strikes feared / Singapore hoiststop harbor more for brains than brawn

By ALEXA OLESEN  
Associated Press

SINGAPORE - In an air-conditioned room with classical music playing over ceiling speakers, a tall Asian man sits in his chair, toggles a joystick and pushes a few buttons.

With that, he lowers another 20-ton container onto a truck at the port outside. The process takes about 30 seconds, and he repeats it 200 times every workday.

It's a major change from the stereotype of a boom-balancing dock worker. Amran is a computer-age longshoreman, valued more for his concentration and quick reflexes than his brawn.

The technology he uses helped Singapore's port system, with four terminals, handle 15 million containers last year, making it one of the most trafficked and efficient in the world.

Amran works at Pasir Panjang Terminal, the darling of Singapore's port authority with its state-of-the-art cranes and NASA-inspired control rooms.

Pasir Panjang and the island's three other terminals together serve 250 shipping lines with a staff of about 6,000.

The relentless cargo traffic lasts 24 hours a day, 365 days a year and requires computer programs that can schedule cargo transfers in the shortest possible sequence.

In the process, huge containers are stacked nine stories high to maximize space. Automated cranes run on tracks alongside, hoisting the containers to waiting ships.

Pasir Panjang opened in 2000. Still under development, it already has six operational berths for ships. Its final price tag will be \$3.8 billion.

Its technology, developed with General Electric, lets a fixed crane operator like Amran handle hundreds of containers filled with typical trans-Pacific export fare: teddy bears from China, computer chips from Korea, Australian beef, Christmas decorations and the household effects of expatriate workers.

Christopher Ong, vice president of Pasir Panjang terminal, said about 80 percent of the containers are just passing through.

The tiny island consumes only a fraction of the goods that land on its shores. Most shipping clients use the island as a hub where they can offload and pick up goods.

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 Date: TUE 04/16/02  
 Section: BUSINESS  
 Page: 1  
 Edition: J STAR

DP 11784

## West Coast port strikes feared / Shippers, union square off over new technology

By SIMON AVERY  
 Associated Press

LOS ANGELES - Businesses across the country are taking steps to protect the flow of their goods as West Coast longshoremen and shipping and terminal companies enter their most contentious contract negotiations in years.

With nearly 8 percent of the gross domestic product and 4 million jobs tied to the operation of ports from Seattle to San Diego, firms are hoping the International Longshore and Warehouse Union and the Pacific Maritime Association can settle their differences when they sit down as early as month's end.

A labor stoppage "would have a devastating impact on the lives of millions of people, because it just travels up and down the supply chain," said Robert Krieger, president of Norman Krieger Inc., a customs broker and freight forwarding firm in Los Angeles.

At issue in the talks is new technology that promises to eliminate some of the best-paying union jobs in the country while helping turn the Los Angeles/Long Beach port complex into a modern superfacility able to feed Americans' growing hunger for cheap Asian goods.

"Our terminals are becoming full," said Joseph Miniace, chief executive of the PMA. "Greater efficiency would increase the flow."

Singapore, which has one of the world's most modern ports, now handles nearly 18,000 cargo containers per acre each year, he said, compared with 3,000 at Los Angeles/Long Beach, the world's third-largest port behind Singapore and Hong Kong.

The PMA contends that upgrading technology could also save up to \$1 billion a year.

But such improvements have stalled, partially from union resistance, while Asian and European ports have made significant investments in state-of-the-art equipment.

In Rotterdam, for example, robotic cranes unload cargo. In Singapore, a single operator can control multiple cranes.

ILWU officials said they're not opposed to new technology but want members retrained and jobs kept on-site.

"We are willing to discuss how technology works on the docks," ILWU spokesman Steve Stallone said.

Industry insiders say relations between the two sides are volatile, and many businesses are preparing for the worst before the current three-year labor contract expires on June 30.

ILWU officials say the union is not opposed to new technology but wants members retrained and jobs kept on-site. The union also wants to ensure that the Panama Canal to ports on the eastern seaboard.

"We are very concerned," said Lisa Metchek, executive director of the California Fashion Association. "We've alerted everyone and told them, 'Consider your routing.'"

Shippers are shipping goods to the ports and then to the rest of the country. They are the primary and often only link between the world size of shipments that come through the combined ports of Los Angeles and Long Beach.

http://www.houstonchronicle.com/business/ports/article.html?ref=main\_story&story\_id=11784

## West Coast port strikes feared / Shippers, unions square off over new technology

Page 2 of 2

Bruce Berton, an international trade consultant with Stonefield Javerbaum said he's worried it'll take six weeks of inventory.

DP 1178.1

"Our clients are doing what they don't like doing. They're buying upfront," Berton said.

Firms that import electronic components from Asia are "renting warehouse space like crazy," so they can feed assemblers in Mexico, where a huge portion of electronic goods sold in the United States is put together, Berton said.

But bringing goods in early can be expensive. And additional transportation and freight diversion costs will cut corporate gross margins on average by at least 5 percent, straining credit lines and pushing some players out of business entirely, Berton said.

Ultimately, many companies are betting the White House would step in to end any port disruption after just a few weeks. But the PMA and the ILWU said the Bush administration has not given any assurances.

Contract talks three years ago were burdened by some of the same modernization issues, but the PMA ultimately gave ground. That seems less likely to occur this time.

The volume of U.S. trade with Asia is forecast to double in the next decade, raising the possibility that the Los Angeles/Long Beach docks could soon run out of room. A massive upgrade project is already well under way.

A \$2.4 billion, 20-mile rail corridor has been built to link the ports with the rail yards near downtown Los Angeles. This summer, the first of two megaterminals will open at the port complex, able to handle six giant container vessels at a time with dozens of new computerized cranes 240 feet tall.

Other improvements must follow to boost productivity and keep the ports competitive, Miniace said.

Among his demands are an updated computer system at the terminals that can communicate directly with customers, members, truckers and rail lines.

The PMA also wants to update the system for tracking the hundreds of thousands of containers that move through the port each year.

Currently, ILWU clerks drive pickup trucks through massive container aisles to locate cargo. Sometimes the drivers must resort to finding a specific container on foot.

The PMA doesn't deny jobs will be eliminated in the short-term. But greater productivity will create more longshore jobs in seven or eight years, Miniace said.

The union wants guarantees that its 10,500 members covered by the contract will be retrained if necessary. Clerks have already lost jobs to nonunionized computer operators off-site, Stallone said.

The clerk jobs at stake averaged wages of \$118,825 in 2001, compared with \$80,000 for longshoremen and \$158,000 for foremen.

The union says the PMA is making negotiations more difficult by withholding details of its plans for new technology.

"We cannot get the information we need to prepare for negotiations," Stallone said.

The PMA denies that claim, and the matter is now before a Los Angeles judge after the ILWU filed an unfair labor practice complaint.

GAY YORK  
2423 CRESCENT DRIVE  
LAPORTE, TX 77571  
(281)470-2998

DP 11785  
SCC

MAY 3, 2002

KERRY M. STANLEY  
REGULATORY BRANCH, CESWG-PE-RB  
US ARMY CORPS OF ENGINEERS  
PO BOX 1229  
GALVESTON, TX 77553-1229

FAXED (409)766-6301

KERRY M. STANLEY,

THIS LETTER IS IN STRONG OPPOSITION TO THE PROPOSED BAYPORT TERMINAL. REASONS AS PREVIOUSLY VOICED BY THE LOCAL CITIZENS AND OTHERS OBVIOUSLY INCLUDE WATER POLLUTION (NOT JUST POISON BALLAST WATER), NOISE POLLUTION (HAVE YOU EVER SLEPT IN MORGANS POINT- ASK ANY MORGANS POINT RESIDENT, PHA ARE BAD NEIGHBORS), LIGHT POLLUTION, AIR POLLUTION, (SHOULD NEED NO FURTHER EXPLANATION) REDUCTION OF ANIMAL/BIRD HABITAT (THIS WAS WETLANDS PRIOR TO PHA DRAINAGE SYSTEM).

29-3

YOU ARE WEIGHING THE OPTIONS - SHOULD I MAKE A GRAND SUM OF MONEY FOR A HAND FULL OF PEOPLE AT THE EXPENSE OF RUINING THE QUALITY OF LIFE FOR THE LOCAL RESIDENTS. IF YOU GRANT THIS PERMIT, IT WOULD APPEAR TO ME THAT YOU ARE INCLUDED IN THE HAND FULL OF GREEDY RECIPIENTS.

29-6

JUST RECENTLY THE SAILING SHIP ELISSA COLLIDED WITH A SHIP AT THE EXACT LOCATION OF THE PROPOSED TERMINAL. DOESN'T THIS MAKE YOU WONDER IF THIS MAJOR SHIP TRAFFIC SHOULD BE NEXT DOOR TO A YATCH CLUB/MARINA. WILL A DEATH HAVE TO OCCUR TO OPEN YOUR EYES. THIS OPENS THE DOOR TO MANY LAWSUITS.

31-15

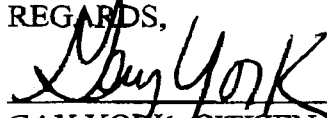
IF THIS IS A GOOD THING, DO YOU THINK YOU WOULD HAVE SO MUCH OPPOSITION? THIS MANY CITIZENS CANNOT ALL BE WRONG. THERE ARE ALTERNATE PLACES THAT WILL NOT AFFECT ENTIRE COMMUNITIES. CHANNELIZING BAYPORT WAS "SNUCK IN" AND DETERIORATED THE LAND. DO NOT APPROVE A LARGER CATASTROPHE.

29-8  
2-3  
12-2

YOU CAN SHOW US SETBACKS, BARRIER WALLS, BUFFER ZONES, ETC. WE ALL KNOW IT IS NOT EFFECTIVE NOR WILL VIOLATIONS BE ENFORCED. IT HAS BEEN PROVEN CHEAPER TO PAY THE FINES AND GO ON THAN TO CORRECT THE MATTER. THIS IS MONEY MAKING BUSINESS. THIS IS NOT FOR THE GOOD OF THE PEOPLE.

29-97

REGARDS,

  
GAY YORK, CITIZEN

JP 11785

\*\*\*\*\* FACSIMILE COVER SHEET \*\*\*\*\*

MAY 03 2002 11:54

Message To:

101036614097666301

Message From:

SOUTHERN TILE&TERRAZO

01

Pages

Follow This Cover Page

March 12, 2002

Mr. Kerry M. Stanley  
U. S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P. O. Box 1229  
Galveston, Texas 77553-1229

DP 11786

SCC

The Draft Environmental Impact Statement (DEIS) for the proposed Port of Houston Authority (PHA) Bayport Container Cargo Terminal fails to adequately address shoreline erosion issues which may result from the terminal construction. The following omissions and inconsistencies in the DEIS with regard to erosive effects should be addressed in a supplemental DEIS:

- The north bank of the existing Bayport channel has continually eroded since construction of the channel (at a rate of 4.3 ft/yr according to the DEIS) and the PHA has failed to address this issue for several years. The repeated assumption in the DEIS that newly created shorelines will be properly protected or armored is absolutely inconsistent with the PHA's track record at the Bayport site. 15-35
- In the calculation of wind waves affecting the Bayport and other sites the duration of wind at a given speed is neglected (the ACES software program only calculates the "fully developed" sea state for a given set of wind speed, fetch, and water depth conditions). The duration of wind at a given speed is a first order factor in calculating wave height (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 3-55 gives a full set of predictive equations and graphs of which ACES uses a simplified subset). Assumption that "fully developed" sea states exist for a sea breeze which may only last 6 hours yet not reach a "fully developed" state for 3 hours would yield an over estimate of the resulting average wind wave power affecting the site. This would skew any comparisons with post-project conditions which are made later. 15-18
- The DEIS asserts that the marina to the north of the Bayport Channel (Houston Yacht Club harbor) is a major block to the net longshore sediment transport from north to south along the bay shoreline in the area. While the harbor breakwaters/jetties may block some longshore sediment transport, the shoreline to the north of the harbor has failed to significantly prograde over time as would be expected if a major portion of the longshore littoral transport were being blocked. In fact most of the shoreline north of the harbor, with the exception of approximately 200 feet which is sheltered by the breakwaters from the predominant southeast wind wave in summer, is an stable or slightly erosional shoreline as evidenced by the lack of a beach fronting the concrete rip rap armoring. Paine and Morton (1986) report that the shoreline immediately north of the harbor was stable up to 1982, and the bay shoreline at the Bayport channel was only slightly erosional (0.4 ft/yr). Even the rate of erosion just south of the Bayport channel was relatively small up to 1982 (-4.7 ft/yr) in comparison with the 16 ft/yr reported in the DEIS for the recent period. Even the shorelines all the way south of the Bayport channel down to Clear Lake were less erosional up to 1982 than current conditions (a peak erosion rate in the area of -6.3 ft/yr is reported by Paine and Morton). This indicates that the Bayport channel may



indeed have triggered increased erosion to the south. While the harbor breakwater is not capturing a major portion of longshore littoral drift as asserted, Bayport channel is likely a much more significant block to longshore littoral drift and may increase this effect if channel is deepened. This may result in increased erosion along the shoreline to the south of the site.

15-19

- No justification or evidence is presented which correlates erosion in the Bayport area to longshore sediment transport. There is generally a scarcity of sand along the shorelines of this part of Galveston Bay and finer sediments do not typically exhibit strong longshore transport characteristics. Shoreline erosion south of the channel may be due to cross-shore sediment transport and suspension of clay eroded from bluffs rather than longshore sediment transport deficit. Anecdotal evidence suggests that erosion in the area is highly episodic and dependent on water levels (e.g., storm surge). The DEIS makes no attempt to discuss the effects of changes in water level on the erosion in the vicinity. Net shoreline retreat may be very weakly correlated to long-term averages of wind wave exposures and much more dependent only on storm conditions with elevated water levels. Furthermore, subsidence is likely a key factor in shoreline erosion, but is not addressed in this section of the DEIS. Paine and Morton ("Historical Shoreline Changes in Trinity, Galveston, West, and East Bays, Texas Gulf Coast", Texas Bureau of Economic Geology Geological Circular 86-3, 1986) report that subsidence in nearby LaPorte of up to 5 feet in the thirty year period between 1943 and 1973. With the mild slope typical of Galveston Bay shores small amounts of subsidence can result in significant erosion. Differences in subsidence rates among the alternative sites should be considered when comparing erosion impacts. The DEIS also makes no mention of the fact that eroded sediments, particularly silts and clays, will contribute to increased water turbidity in the vicinity. This in turn results in decreased light propagation through the water column leading to a decrease in primary production by marine organisms and a decrease in dissolved oxygen content in these waters causing stress on marine organisms. Analysis of this effect should be included in the DEIS.

10-4

15-20

- Quantitative assessment of the effect of change in wave climate must account for more than just wave power; wave angle change, water level changes due to ship surge, differences in wave steepness, etc. are all important factors in quantifying erosive effects. The DEIS's assumption of the importance of longshore transport to erosive impacts at the Bayport site points out that wave angle should be considered in this analysis since it is a first order factor in longshore transport (US Army Corps of Engineers, Shore Protection Manual, 1984, pg 4-96). No attempt is made in the DEIS to quantify ship surge effects and their effects on shoreline erosion.

15-21

- The DEIS never presents documentation of a correlation between calculated historic wave climate and recorded shoreline erosion. The relationship is presumed to be linear, but if a linear relationship exists and how well it correlates wave energy to erosion is never presented. Since this is the basis of the comparative analysis between alternatives some correlation should be documented whether through data presented in the DEIS or an outside source. Appendix 3.15 section 3.3 gives an incomplete reference to the Shore Protection Manual of 1977; however, that document was replaced by the Shore Protection Manual of 1984 which in turn is in the process of being replaced by Coastal Engineering Manual (CEM) for which most sections are currently available. Neither of the

15-22

replacements to the Shore Protection Manual of 1977 make any statements that erosion can be broadly correlated to wave power. The Shore Protection Manual of 1984 does correlate longshore transport to the longshore component of wave power; however, even in the simplified case of erosion attributable only to longshore transport, it is the magnitude of the gradient of longshore transport along the shoreline which correlates to erosion, not the magnitude of the transport itself.

- The analysis for the Bayport site (Section 3.15.3.3) states that "average annual power density potentially affecting the shoreline is expected to increase by 25% by 2027" then later states that "the ultimate increase in average annual power density attributable to this alternative would be small". On an erosional shoreline a 25% increase in wave energy should be considered significant and may result in a disproportional increase in erosion effects (at a minimum a 25% increase in the erosion rate would be expected using the linear model proposed within the DEIS). Using the linear relationship presented in the DEIS (but not documented with data or references to other work), the 16 ft/yr erosion rate at the south entrance of the channel (Section 3.15.3.3) would increase to 20 ft/yr. An additional 4 ft/yr of erosion is significant. For Cedar Point alternative (Section 3.15.3.6) the DEIS states that "As the intensity of facility traffic increases, the relative wake action at the sensitive shoreline rises to a daily time-averaged power density of 0.27 hp/ft compared to 1.1 hp/ft for background vessel traffic wakes and 0.26 hp/ft for wind waves. This is a substantial increase in wave power, which would require detailed study to quantify the effect on the coastal wetland and sand spit. Increasing shoreline erosion and damage of the wetland is likely." This is an increase of less than 25% but considered significant. The DEIS should address why the 25% increase at Bayport considered inconsequential and no detailed analysis was conducted. 15-23
- Any responsible discussion of shoreline erosion should also address what resources are being eroded and what effects the erosion may have on other adjacent resources. In particular, the DEIS does not address what amount of wetland may be eroded; at a shoreline erosion rate of 20 ft/yr the wetland loss results may be significant. Changing the shoreline configuration in the vicinity may also have an effect on the hydrology of the adjacent wetlands. Both of these concerns should be addressed in the DEIS. If the PHA is not going to protect adjacent shorelines from erosive effects, then they should mitigate for lost shoreline and the lost wetlands and other resources destroyed by the erosion. 15-24
- No analysis is presented to address the effects of the increase in wave energy at key points along the transit route from the Gulf to the Bayport site. Increased wave energy may have an adverse effect on several oyster reefs, bird rookeries, and islands located near the Houston/Galveston Ship Channel between Bolivar Roads and Bayport. The effect on these resources should be analyzed in the DEIS. 20-32
- The eventual deepening and widening of the Bayport channel will provide additional channel cross-sectional area to allow transport of seawater inland during a hurricane storm surge. An analysis needs to be conducted in the DEIS to quantify the effects of the channel deepening and widening on storm surge water levels in Southeast Harris County and Northeast Galveston County. 20-33
- Bayport analysis (Section 3.15.3.3) gives 188 additional transits per week but Upper San Jacinto Bay/Bayport alternative (Section 3.15.3.9) has an additional 229 transits above background. The DEIS should explain why more transits are need to serve the same

demand for different alternatives. The same basis for the analysis should be used for all alternatives or an explanation should be given as to why the basis differs.

- Why are the wave power results presented for some alternatives (i.e., Cedar Point and Upper San Jacinto / Bayport) but not others? A full set of results for each alternative should be presented, preferably in a clear, concise, and uniform manner.
- The DEIS fails to address possible erosional and safety effects from the largest vessel wake waves. The wave height presented in Table A3.15-6 for an outbound tug of 1.82 m (6 ft) is a disproportionally large in comparison to wind waves normally occurring in the vicinity. This wave height is similar to that which might be expected for a tropical storm or small hurricane impacting Galveston Bay. A 6 ft wave will cause a significant runup on the shoreline when it breaks and will have a highly erosive effect. The shores in the vicinity are presumably out of equilibrium with the currently experienced wind waves and vessel wakes, as evidenced by the ongoing erosion, and would presumably be eroded rather quickly by the occurrence of only an occasional 6 ft wave. Time averaging the wave power over a long time period (e.g., a year) masks the effect that largest vessel wake waves will have on the shoreline. Also, the safety hazard a 6 ft wave presents to recreational boaters, including young children in small relatively un-maneuverable sailboats, who frequently use the waters adjacent to the Bayport channel should be explored in the DEIS.
- Small errors in assumptions for typical vessel dimensions and operating speeds would have significant impacts on the conclusions of the erosion analysis and the DEIS acknowledges the lack of thought put into defining these operational parameters. The vessel operating speeds likely at each site have not been well established and the assumption of the same vessel operating speeds at each site (sensitivity analysis) may not be valid since site conditions like channel geometry play a role in operating speeds. A 10% increase in operating speeds gives an approximately 40% increase in wave power, so this assumption is vital to estimating erosion and for comparisons between sites. The vessel characteristics used in the analysis may also be inaccurate. The cruise ship drafts presented in Table A3.15-5 are surprisingly shallow and do not agree with the average presented in Table A3.15-6. Furthermore, the container ship dimensions presented in Table 3.15-6 are significantly smaller than those presented in the US Army Corps of Engineers Coastal Engineering Manual (EM 1110-2-1100 (Part V), 2001) which give an average length of 272 m (compared with 240 m in DEIS), an average beam of 33 m (compared with 32.3 m in DEIS), and an average draft of 12.2 m (compared with 11.8 m in DEIS). Furthermore, container ships that would need to be maneuvered into the Bayport site by one or more tugs would create a "composite" vessel which should be used in the vessel wake analysis. The effect of underestimating vessel dimensions and operating speeds needs to be more fully studied. The effect of two or more vessels passing in opposite directions in the channel should also be studied. Also, all wave characteristics are based on 100m distance from sailing line, but no explanation is given as to what location this represents. Vessels often navigate to one side of a channel to take advantage of the Bernoulli effect to offset wind/wave conditions, particularly near the mouth of the channel. The effect of sailing lines closer to the banks of the channel needs to be studied further. The assertion in Appendix 3.15 to the effect that inaccuracies in the analyses do not matter because they will be used only for comparison of sites shows that the PHA does not take seriously the erosive effects to be heaped on the Bayport area.

15-25

15-26

20-34

- The fetch lengths and wind durations used to develop Table A3.15-8 should be presented in order to allow confirmation of the results. The angle these various waves have with the shoreline should also be presented. If longshore transport is considered a key erosion factor, as is asserted in the report, angle is of first order importance. The assertion that net longshore sediment transport is from north to south on the stretch of shoreline adjacent to the Bayport site should also be documented using the wind wave analysis conducted in the DEIS or by citing an independent source.

In addition to these comments on the shoreline erosion section of the DEIS, I would like to make the following general comments:

- Approval for the Shoal Point Terminal proposed by the City of Texas City would mean that a significant portion of the regional demand cited by the PHA for container cargo will be satisfied. The proposed site layout for the PHA Bayport site should be scaled back to only the minimum size required to meet that demand not met by the Texas City terminal. 1-35
- The cruise ship berths proposed for the Bayport site should be required to remain as cruise ship berths. Conversion of these berths to container ship berths when the demand for cruise ship berths does not materialize (as historical evidence for the PHA would indicate is likely) would change many of the key assumptions on which the DEIS is based and should require that a new Environmental Impact Statement (EIS) be prepared. 20-35
- Widening and deepening of the Bayport channel to greater depths in order to match the planned dredge depth of the turning basin would change many of the key assumptions on which the DEIS is based and should be included in this DEIS or require a new EIS to be prepared prior to execution. 20-36
- Expansion of rail lines to the proposed Bayport site poses significant cumulative impacts to the region and should be fully considered in this DEIS. 18-24

If you have any questions regarding these comments, please contact me by telephone at (713) 426-3170 or by email at [larry.wise@mindspring.com](mailto:larry.wise@mindspring.com).

Sincerely,



Larry A. Wise, P.E.

CC: Galveston Bay Conservation and Preservation Association

MAY 03 2002

Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RB  
U. S. Army Corps of Engineers  
P. O. Box 1229  
Galveston, Texas 77553-1229

via fax 409.766.6301

DP 11787  
SCC

Re: Bayport Permit Application 21520

Dear Kerry:

In your notice statement you state, "Your decision will reflect the national concern for both protection and utilization of important resources. ...benefits balanced against detriments...and consider the effects including conservation, economics, aesthetics...recreation...and the welfare of the people."

Kirksey | Architecture  
6909 Portwest Drive  
Houston Texas 77024  
telephone 713 850 9600  
facsimile 713 850 7308  
www.kirksey.com

With this background, I would ask you to consider the enclosed executive summary of the report by Richard Florida, "Competing in the Age of Talent". As you will see, access to recreational assets, especially water, is the key component in attracting the higher quality of talent required in building a knowledge-based economy—a stated objective of the Greater Houston Partnership.

While the Port of Houston "sold" the voters of Houston on passing the Bond election with the prospect of jobs, the jobs actually created by Bayport could be far outnumbered by those lost by the further degradation of the Galveston Bay system and it's sullied reputation as a recreational and environmental asset. For us to prosper, we need a centerpiece recreational and natural asset, and Galveston Bay is our only option.

6-22

The Port of Houston has proven to be a poor steward of their waterside facilities, as a trip up the ship channel would clearly indicate. Putting the Port in an even more prominent role in shaping the future of Galveston Bay is irresponsible and counter to the objectives referenced herein.

28-5

In the absence of an empowered regional planning authority and an environmentally sensitive Port Authority, the job of stewardship of our Bay falls to your offices. Please use this responsibility wisely with an eye to the many generations of Houstonians who we hope would want to raise their families in the Houston-Galveston area.

23-144

Sincerely,

Shawn Jackson

Shawn Jackson



# **COMPETING IN THE AGE OF TALENT:**

## **QUALITY OF PLACE AND THE NEW ECONOMY**

**Richard Florida**  
**January 2000**

A Report Prepared for the R. K. Mellon Foundation, Heinz Endowments, and Sustainable Pittsburgh

## EXECUTIVE SUMMARY

The rise of the new economy has radically altered the ways that cities and regions establish and maintain their competitive advantage. In the new economy, regions develop advantage based on their ability to quickly mobilize the best people, resources, and capabilities required to turn innovations into new business ideas and commercial products. The nexus of competitive advantage has thus shifted to those regions that can generate, retain, and attract the best talent.

This report summarizes the key findings of a yearlong study of the role of talent in the new economy. The study looked specifically at how quality-of-place – that is amenities, lifestyle, and environmental quality – affect the ability of regions to attract talent and to generate and sustain high technology industry. To do so, it examined the performance of regions across the country on these dimensions, explored what leading regions are doing to be successful, and conducted focus groups with young knowledge workers in technology-based fields to better understand how they choose places to live and work.

The key findings of the study confirm that amenities and environmental quality matter in the attraction of talent and development of high technology regional economies, as follows.

- ✎ Quality-of-place – particularly natural, recreational, and lifestyle amenities – is absolutely vital in attracting knowledge workers and in supporting leading-edge high technology firms and industries. Knowledge workers essentially balance economic opportunity and lifestyle in selecting a place to live and work. Thus, quality-of-place factors are as important as traditional economic factors such as jobs and career opportunity in attracting knowledge workers in high technology fields. Given that they have a wealth of job opportunities, knowledge workers have the ability to choose cities and regions that are attractive places to live as well as work.
- ✎ The availability of job and career opportunities is a necessary but insufficient condition to attract the young knowledge workers. Knowledge workers favor cities and regions with a "thick labor market" which offers the wide variety of employment opportunities required to sustain a career in high technology fields. Quality-of-place completes the picture.
- ✎ Leading high technology regions also rate very highly in terms of quality-of-place with high levels of amenities and environmental quality. Austin, Texas; Seattle, Washington; the San Francisco Bay area; the greater Boston region; and Washington, DC score consistently high across virtually every quality-of-place measure – natural amenities, lifestyle amenities, and overall environmental quality. There is a strikingly strong correlation across the board between regions that are home to large concentrations of knowledge workers, amenities, and the environment. In this regard, amenities and the environment are part of a total package of factors required to become a successful technology-based region with a large pool of knowledge workers.
- ✎ Leading high technology regions have aggressively pursued strategies to bolster their environmental quality, natural amenities, and lifestyle offerings to attract and retain talent. Austin and Seattle have placed high priority on recreational amenities such as bike paths, mountain bike trails, parks and recreational areas, and accessibility to water for rowing and sailing. These regions have cultivated thriving music scenes and are also known for their youth-oriented cultures that are open and supportive of diversity. Both regions are among the national leaders in smart growth and sustainable development. Leading high

technology regions have also supported the development of extensive lifestyle and recreational amenities around major university districts where knowledge workers reside.

- Knowledge workers prefer places with a diverse range of outdoor recreational activities (e.g., rowing, sailing, cycling, rock climbing) and associated lifestyle amenities. Access to water and water-based recreation is of particular importance to these workers. Knowledge workers prefer regions where amenities and activities are easy to get to and available on a "just-in-time" basis. Due to the long hours, fast-pace, and tight deadlines associated with work in high technology industries, knowledge workers require amenities that blend seamlessly with work and can be accessed on demand. They favor cities and regions that offer a wide range of experiences, and are somewhat less concerned with "big ticket" amenities such as "high" arts and culture or professional sports. Knowledge workers also express a strong preference for progressive regions that are youth-oriented and supportive of demographic diversity.

The findings of this report suggest that cities and regions have a great deal to gain from developing a quality-of-place strategy designed to attract knowledge workers and from embedding it in ongoing economic development and competitiveness efforts. In doing so, the report indicates that the region should consider the following actions:

- Make quality-of-place a central feature of regional economic development strategies.
- Integrate amenities and natural assets into all aspects of regional economic development, talent attraction, and marketing efforts.
- Invest in outdoor, recreational and lifestyle amenities as a component of regional economic development and talent attraction efforts; for example, the creation of climbing walls, mountain bike trails, bike paths, roller-blading areas and the like. Sponsor outdoor competitions and events to the region such as triathlons, bike races, rowing competitions, and similar efforts that attract the attention of knowledge workers. Orient waterfront improvements to encourage recreational activities such as rowing, sailing and windsurfing, particularly by improving access.
- Develop a comprehensive amenity strategy for university districts and integrate them into economic development strategies. Establish more user-friendly transit connections between university districts, downtowns, and centers for high-technology enterprise through light rail, mass transit and bike lanes for commuting.
- Encourage smart growth and sustainable development on a regional basis, particularly sustainable use, preservation, and revitalization of natural assets. Equip neighborhoods and communities with tools to preserve open space and to create recreational amenities. Work with developers to provide more examples of successful residential and commercial developments that feature amenities, particularly in reconverted brownfield sites in urban areas.
- Create mechanisms for harnessing the knowledge and ideas of all citizens at the neighborhood, local, and regional levels for improving the quality-of-place around the environment and amenities. Develop vehicles for involving young people in the regional amenity and lifestyle agenda as well as in the broader economic development agenda.



Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RB  
U. S. Army Corps of Engineers  
P. O. Box 1229  
Galveston, Texas 77553-1229

via fax 409.766.6301

Re: Bayport Permit Application 21520

Dear Kerry:

In your notice statement you state, "Your decision will reflect the national concern for both protection and utilization of important resources. ...benefits balanced against detriments...and consider the effects including conservation, economics, aesthetics...recreation...and the welfare of the people."

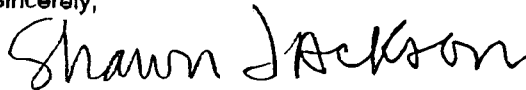
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The Port of Houston has proven to be a poor steward of their waterside facilities, as a trip up the ship channel would clearly indicate. Putting the Port in an even more prominent role in shaping the future of Galveston Bay is irresponsible and counter to the objectives referenced herein.

In the absence of an empowered regional planning authority and an environmentally sensitive Port Authority, the job of stewardship of our Bay falls to your offices. Please use this responsibility wisely with an eye to the many generations of Houstonians who we hope would want to raise their families in the Houston-Galveston area.

Sincerely,



Shawn Jackson

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Houston Texas 77024  
telephone 713 850 9600  
facsimile 713 850 7308  
www.kirksey.com



# **COMPETING IN THE AGE OF TALENT: QUALITY OF PLACE AND THE NEW ECONOMY**

**Richard Florida  
January 2000**

A Report Prepared for the R. K. Mellon Foundation, Heinz Endowments, and Sustainable Pittsburgh

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- ~~xx~~ Encourage smart growth and sustainable development on a regional basis, particularly sustainable use, preservation, and revitalization of natural assets. Equip neighborhoods and communities with tools to preserve open space and to create recreational amenities. Work with developers to provide more examples of successful residential and commercial developments that feature amenities, particularly in reconverted brownfield sites in urban areas.
- ~~xx~~ Create mechanisms for harnessing the knowledge and ideas of all citizens at the neighborhood, local, and regional levels for improving the quality-of-place around the environment and amenities. Develop vehicles for involving young people in the regional amenity and lifestyle agenda as well as in the broader economic development agenda.

**Ellyn H. Roof**

1111 Pine Circle Drive  
Seabrook, Texas 77586  
Phone/Fax: 281-326-3217

MAY 06 2002

DP 11788

5-3-02

Re: Permit  
#21520 Rev.  
Port of  
Houston/  
Bayport

Kerry M. Stanley  
Regulatory Branch CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

Dear Mr. Stanley

Please incorporate my comments on  
the DEIS with these comments. I  
continue to oppose the Port of Houston  
Authority Application 21520 original  
and revised. 29-98

It is my understanding that the  
laws providing for public interest  
review and comment intend that one  
not need be an attorney or have  
special advanced degrees to be  
able to comprehend and intelligently  
comment on a USACE application  
or request a Texas Natural Resources  
Conservation Commission certification  
Hearing. Both of which actions I am  
taking via this letter. 23-190

Although I have the advantage  
of being in contact and discussions with

**Ellyn H. Roof**

1111 Pine Circle Drive  
Seabrook, Texas 77586  
Phone/Fax: 281-326-3217

DP 11788

qualified experts, I remain totally  
confused ~~confused~~ regarding the  
USACE procedures concerning Permit  
application 21520, original notice,  
revised notice, and DEIS. Certainly  
an extension of time and further  
explanation of contradictions,  
omissions and additional new  
information are required - actions  
I am requesting. I also am  
requesting a re-opening of the DEIS.  
With the new information  
requiring TNRCC Certification, I  
am requesting a TNRCC hearing  
as well as another USACE hearing  
to ~~change~~ explain the changes in  
the application.

23-  
182

Alternate siting requirements are  
altered and must be addressed and  
amended. Adequate evidence and  
evaluation (and background) for this  
charge as well as those concerning  
the sound barriers and outfalls  
and their effect on Pine Gully  
is missing from the revised  
application. (The original plans of

2-  
173

23-  
186

VP3  
**Ellyn H. Roof**

1111 Pine Circle Drive  
Seabrook, Texas 77586  
Phone/Fax: 281-326-3217

DB 11788

Bayport development allowed for  
additional water to be discharged  
only into the shipping channel.  
(None to Taylor/Boggy Bayou or  
Pine Gulley.)

Respectfully requested,

Ellyn H. Roof

MAY 06 2002  
D 11789

SCC

P. O. Box 298  
Winnie, Tx 77665  
May 3, 2002

Mr. Kerry M. Stanley  
U. S. Army Corps of Engineers  
P. O. Box 1229  
Galveston, Tx 77553-1229

In Re: Projects 22643 & 22644

Dear Mr. Stanley;

After reviewing the permit applications, I have come to the conclusion that I strongly oppose the above mentioned applications due to the following reasons. ] 29-5

Due to placing more water in Spindletop Gulley and the Intracoastal Canal, it will increase the likelihood of flooding in the area due to hindering the flow of water coming down the gulley above the diversion points. I have seen three bad floods since 1966 with water four to six foot deep two to three miles North of the gulley due to overflow of the gulley. Several years ago Trinity Bay was in the process of cleaning out Spindletop Gulley and had to stop due to environmental concerns. How can digging these two new ditches be okay now when it wasn't several years ago. If these projects proceed as planned and the ditches are dug, there are no plans to include bridges or crossings for the movement of cattle or other livestock or equipment on the affected landowner's land or property in regards to fences or other forms of animal control are referenced in the proposals. The digging and excavation that will be done if these projects proceed, they could lower the value of the adjoining land and property and who would be responsible for the loss of value. Also if these projects proceed, the flow of water could have an impact on the Intracoastal Canal from the silt and debris which would flow into it causing excessive maintenance of the canal. ] 25-16

There are a few red wolves remaining in the area which are on the endangered species list. Occasionally one sees a prairie chicken and some otter. These in the neighborhood of Spindletop Gulley. ] 12-51

At some time in the past, there is one area close to Spindletop Gulley where Indians apparently had a camp. When my uncle first ] 16-8



DP 11789

started farming on Pipkin's Ranch in 1947 or '48, a large number of arrowheads and a few artifacts were found. In later years, still an arrowhead can be found occasionally. This area was possibly a campground or burial ground of the Karankawa Indians or some other coastal or Indian tribe.

16-8

One thing I question is why these proposals are allright considering the possible wetlands and environmental impact, but the proposal to build State Highway 87 is not. I have heard that if wetlands are used for one purpose, that land must be replaced with land from elsewhere that can be converted to or be wetlands.

14-80

I have been told that there is to be a public hearing on these projects and why wasn't the date or time included. Also why weren't the names and addresses of other agencies that may have some interest in these projects included in the packet.

23-  
191

Sincerely,

*Henry Ogden*

Henry Ogden  
Concerned Landowner

cc: TNRCC  
TECD  
Jefferson County Drainage District 6  
Sierra Club  
Audubon Society  
Galveston Bay Foundation  
Texas Historical Commission  
Coastal Conservation Ass'n  
Texas Coastal Management Council  
Alabama-Coushatta Indians

MAY 02 2002

May 1, 2002

Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11700  
SCC

Below are my comments regarding the Public Notice issued 4/4/02 for Permit Application No. 21520 (Revised).

1) I dispute the terms whereby I am required to have my comments delivered to the Corps office exactly 1 month after the Public Notice issue date. This is not enough time to review the revisions, make my comments, and get them returned to your office. I request this review period be extended to a minimum of 90 days after the issuance of the Public Notice, and 120 days in my case (complaint 2 below).

23-182

2) I lodge the complaint that I did not receive the Public Notice in any form. When I heard about it on the Internet on 4/29/02 I went to the Corps website at: <http://www.swg.usace.army.mil/reg/pha/pha.htm> and still could not find the notice posted. After inquiring by e-mail to Kerry Stanley, a link to the notice was issued to me on 4/30/02. This is the second time I remember not receiving an important notice from the Corps regarding the Bayport project.

23-192

3) In addition to complaint 2 above, I lodge the complaint that the Corps generally neglects to inform me of important issues concerning the Bayport project. I have spent considerable time and effort on this permit process. I attended the public hearing on the DEIS on 12/12/01. I issued comments on the DEIS in January 2002. I signed up more than a year ago at the Corps web site for e-mail notification for important issues like this Public Notice. Despite all my efforts, the Corp conveniently neglects to inform me of these important issues. I demand that the Corps correct this situation. I deserve to be notified of these matters.

23-192

4) Regarding jurisdictional wetlands, I can not make out the maps on pages 20 of 28, and 21 of 28 on the supplemental (21520rev.pdf) to the Public Notice. I ask that the Corps supply readable maps for these wetlands, or UTM coordinates for all wetlands boundaries, or survey boundary descriptions referenced to one of the benchmarks shown in that area on the 1982 7.5' League City topographic map.

14-83

5) I'd like to state that my previous comments on the DEIS for this project issued in January 2002, including the need for a Supplemental Draft EIS still stand and should be applied to this Public Notice revision.

23-185

6) I request the Corps consider the fact that the PHA misrepresents its ownership of the land needed for the facility. The Port does not own all of the land included in the facility design represented in the revised permit application, and the owners of these properties

23-16

May 1, 2002

do not intend to willingly sell. Also, the Port does not have the authority to condemn the properties. The Corps should require that the PHA withdraw its permit application and not be allowed to re-file until they have complied with all applicable rules and laws.

23-16



Michael Flannigan  
4330 Cedar Ridge Trail  
Houston, TX 77059-3114  
281-286-6869  
[mikeflan@swbell.net](mailto:mikeflan@swbell.net)

Terms:

Corps = Army Corp of Engineers  
PHA = Port of Houston Authority  
DEIS = Draft Environmental Impact Statement  
EIS = Environmental Impact Statement

May 2, 2002

DP 11791

ccc

Colonel Leonard D. Waterworth  
Commanding Officer and District Engineer  
U.S. Army Corps of Engineers, Galveston CESWG-DE  
P O Box 1229  
Galveston, TX 77553-1229

RE: Permit Application 21520 – Bayport Terminal Facility

Dear Colonel Waterworth,

Four years ago, in mid 1998, the Port of Houston Authority (PHA) came public with plans for the Bayport Terminal Facility. PHA publicly stated that ~~they~~ only intended to do an Environmental Assessment, get a permit and begin construction. Later that year, the decision was made to do a full Environmental Impact Statement (EIS). At that time, I had every hope and expectation that the involvement of the U.S. Army Corps of Engineers would ensure a fair, balanced and complete study of the issues.

23-35

Apparently I was wrong. The Draft Environmental Impact Statement (DEIS), which was released in Nov. 2001, was (in my opinion) a seriously flawed document. Examples of these flaws were presented in my comments to the DEIS (Attachment 1), so I will not list them here.

23-35

I have also sent comments on the recent Public Notice (dated Apr 4, 2002, received on or about Apr 10, comments due May 4). This Public Notice also points to a flaw in the DEIS. After more than 2 years of study, the DEIS stated there were ~~2.475~~ **acres** of jurisdictional wetlands at the Bayport site. The Apr 4 Public Notice states that there are **18.3 acres** of jurisdictional wetlands. I am amazed, and appalled, that this information was not available in time for the release of the DEIS.

14-76

If the Bayport permit is granted, some 20,000 people could be severely impacted. This figure is far larger than all of the alternative sites **combined**. This fact alone should require a more stringent scrutiny of this site before granting a permit.

29-94

The PHA does not own all of the property it needs for the Bayport project (Attachment 2). In addition, I believe that there are approximately 200 more acres needed – which are being contested.

23-16

Finally, I would like to point out the depth and strength of the opposition to this project. Approximately 2500 people attended the Aug 17, 1999 Scoping Meeting – most in opposition. At least one State Senator and two State Representatives have expressed

29-35

opposition. The cities of Seabrook, El Lago, Taylor Lake Village and Shoreacres have passed resolutions in opposition, The City of LaPorte has written a Position Paper in opposition. The Mayor of Pasadena spoke in opposition at the Public Hearing. Environmental groups such as: Galveston Bay Conservation and Preservation Association and Galveston Bay Foundation have expressed opposition. And, there is the persistence of individual opposition, which has not waned even though it has been a long (4-year), and sometimes discouraging, battle. This was evidenced by the well-attended Public Hearing. Again, largely in opposition to the Bayport project.

27-35

Thank you for your time and consideration of my comments.

*Barbara Suber*

Barbara Suber  
3902 Bonita  
LaPorte, TX 77571

CC: LTG Robert B. Flowers, Commander, HQ, U.S. Army Corps of Engineers  
U.S. Senator Phil Gramm

February 6, 2002

I request that these comments be made part of the official record for Permit Application 21520 —Bayport Marine Terminal.

The Draft Environmental Impact Statement (DEIS) issued on Nov. 11, 2001 was shamefully remiss in addressing many of the major concerns expressed about the Bayport Project. The US Army Corps of Engineers and the Port of Houston Authority have a duty to the public they serve to answer those concerns in a **complete and responsible** way. ] 23-96

The DEIS was incomplete in that it:

1. Failed to analyze the impact of fine particle (PM 2.5) and hazardous air pollutants. ] 7-4
2. Failed to analyze the impact of a 50-foot channel. ] 20-1
3. Failed to address the vibration caused by ship traffic in ~~the~~ Bayport Channel. This vibration causes the walls and windows of homes along the north shore to shake and rattle. ] 20-23

Existing road and rail infrastructures are currently insufficient to support this project. That means area residents will have to contend with years of road construction in addition to increased project related traffic. This will be occurring on a major emergency evacuation route and will be much more than just a nuisance factor. It will mean a slower response time for all emergency vehicles (fire, police and ambulance). Lives could be at stake. The possibility of a major disaster requiring evacuation on roads under construction with additional project traffic is unthinkable. ] 21-7  
27-13  
27-41

Alternative sites seem to have been judged by different criteria than the Bayport site. For example, at Bayport, the recreational boating community is "voluntarily displaced" while it experiences "potential for conflict" at other sites. This is hard to understand considering the proximity of both the Bay Colony Park and the Houston Yacht Club to the entrance of the Bayport Channel. Surprisingly, neither were mentioned in the DEIS. ] 22-19

There are so many examples of omissions, criteria unequally applied, reports to other agencies and promises of more information in the Final EIS that surely a Supplemental DEIS is the only proper remedy. The public has a right to comment on all pertinent facts and to have those comments considered **before** the decision is made on the Permit. ] 23-5

It still makes no sense to virtually destroy the quality of life of approximately 5000 nearby residents in order to provide 12,000 new jobs over the next 10 years. ] 29-61

*Barbara Suber*

Barbara Suber, 3902 Bonita Lane, LaPorte, Texas 77571

# Port OKs plan to enfranchise small business

By NELSON ANTOSH  
Houston Chronicle

The Port of Houston on Monday finally adopted the policy and procedures it needs for its small-business development program — approving version No. 17 — which will allow the program to officially begin May 1.

The program is designed to help small businesses regularly participate in the numerous contracts that the port awards.

It replaces affirmative action programs with one that lets a small business have a reasonable chance to put in a winning bid, independent of its ownership. Officials started seriously working on the program last May. This large committee had the dif-

See PORT on Page 4B.

## Port

Continued from Page 1B.

ficult task of creating a program that allowed minority-owned firms to reasonably compete for business using standards that are designed to be race-neutral.

Programs based on racial preferences have been subject to many court challenges.

The small businesses will be allowed to make competitive proposals, which will be unlike the normal sealed bids. The port can talk to these businesses and permit some revisions before the contract is awarded, said the port's executive director, Tom Kornegay, which is not the case with sealed bids.

In order to participate, the owner of the company must have personal wealth of less than \$750,000, excluding his or her

home and ownership in the business. This is the standard Small Business Administration definition, Kornegay said.

Nineteen community and civic leaders were appointed Monday to a small business development advisory council.

"The expertise and insights the advisory council members bring will be valuable resources for small business and the port," said Cheryl Thompson-Draper, chairman of the port authority's small business opportunity task force.

Kornegay said that to this point, the port has done a handful of pilot projects using the new concept.

Also Monday, commissioners voted to acquire three tracts of land — 48.3 acres, 15.9 acres and 8.38 acres — for its Bayport terminal project. The vote calls for acquisition, or if that is unsuccessful, condemnation through eminent domain.

Meanwhile, port revenues are off to a slow start, mostly the result of the new steel import restrictions announced in March. Steel imports in March were off 82 percent from the prior month and down 10 percent for the three-month period.

Car imports were off 11 percent for the quarter. Export bagged cargo was down 3 percent.

But grain exports are up 54 percent from a year earlier, exports of petroleum coke were up 39 percent, and the number of containers handled was up 5 percent. This trio of figures appears to be headed for annual records, said John Scardasis, director of operations.

Operating revenues were down only 1 percent from the same quarter a year ago; the port's net income was down by 39 percent. For March, net income was \$782,000 versus \$2.6 million a year earlier.

Attachment:  
Houston Chronicle  
Business Section  
April 23, 2002

DP 11791

DP 11792  
ccc

## L-CON CONSTRUCTORS

## FACSIMILE TRANSMITTAL SHEET

To: KERRY STANLEY	From: Rudy Falgout
Company: U.S. Corp of Eng.	Date: 5-1-02
Fax No.: 409 766 6301	Fax No.: 281 476 1578
Phone No:	Phone No 281 476 1775
Reference: Bayport Terminal	Total pages including cover: 2

Rudolph A. Falgout, Jr.  
2614 De Four Trace  
Seabrook, TX. 77586  
281 326 4859

Permit App. # 21520 (Revised), Bayport

Concerns (see attached)



S-1-02

DP 11792

Kerry Stanley  
U.S. Army Corps of Engineers

I, Rudolph A. Falgout, Jr. wish  
to file a complaint regarding  
Permit Application No. 21520  
(Revised) concerning constructing  
a major marine terminal at the  
Bayport Ship Channel area. 29-98

Have you been through Seabrook  
and Highway 146 area lately?  
As a resident the traffic situation  
is already very congested. A  
project of this magnitude will  
do nothing but create major  
traffic jams and inconvenience 27-106  
for residents and visitors alike.  
I guess our area will look  
like I-10 Katy Freeway traffic  
situation.

Please do not construct this facility. 29-91

Rudolph A. Falgout, Jr.  
2614 De Four Trace  
Seabrook, TX. 77586

281 326 4859

TOTAL P.02

MAY 01 2002

Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229

DP 11793

SCC

May 1, 2002

The issue I raised during the original comment period has not been addressed. I previously noted that the Corps' original study concluded that a channel deep enough to handle Panama Canal vessels was needed. Only later was an unsupported additional phrase added to the DEIS to allow the deeper channel requested by the applicant. When I questioned applicant personnel on this issue, I was told that it was cheaper to dredge the channel deeper now than to go back later to increase the depth. If this is the applicant's intent, then the current application does not provide full disclosure and must be revised to include the cumulative impact of all intended work. If there is no additional work intended, then the deeper channel is not needed and should not be approved. The failure of the Corps to address this issue along with the Corps' apparent collusion with the applicant in restating the study results strongly suggest criminal intent. The Corps needs to take immediate action to correct this problem.

20-48

23-180

Sincerely,



Robert M. Dawson

DL 11794  
SCC

MAY 02 2002

LOCKHEED MARTIN

C. S. Wells  
Senior Vice President - Business Development (R&T.)

01 May, 2002  
3342 Miramar Drive  
Shoreview, TX 77571

Kerry M. Stanley  
Regulatory Branch, CE SWG - PB - RB  
U.S. Corps of Engineers  
P.O. Box 1229  
Galveston Texas 77553-1229

Re: Public Notice  
Permit Application No: 21520 (Renewal)  
Issued 04 April 2002  
Comments Due: 04 May 2002

29-29 I am a resident in an area adjacent to the proposed "Bayport" marine terminal complex. I reviewed the Draft Environmental Impact Statement published on 12 November, 2001 and provided videotape and written comments on the DEIS prior to the comment period termination on 13 March 2002. In my comments, I objected to the Bayport facility (prop) based on environmental, economic, and security / resident safety considerations.

after reviewing the referenced Public Notice, I wish to restate / confirm my objections to this project, particularly with regard to the new issues discussed regarding wetlands and historic site preservation. Specifically:

- 29-98 [ 1. I continue my objections to the proposed Bayport Project based on the DEIS and the ref. Public Notice  
23-183 [ 2. I request an additional public hearing and an extension of the submission date for comments in order to begin additional comments from area residents
- Respectfully,  
C.S. Wells

MAY 06 2002

W. E. BATES ENGINEERING COMPANY, INC.

POST OFFICE BOX 172  
SEABROOK, TEXAS 77586

281  
PHONE: AREA CODE 713  
474-2297 2907

5/1/02

DP 11795

SLC

Kerry M. Stanley  
Regulatory Branch, CES WG-PE-RB  
US Army Corps of Engineers  
P.O. Box 1229  
Galveston, TX 77553-1229

Subject: A horrible double standard

Gentlemen,

I am in receipt of your Public Notice dated 4/4/02, I notice, in this publication you cover water pollution, noise pollution, light pollution, endangered species, etc.,

However, while the State mandates ever more restrictive measures on my cards well as everyone else's in Harris County, at no time do I recall your ever mentioning the subject. To say this seems unbelievable is an understatement.

7.23 To me, as well as most citizens in the Seabrook area, air pollution due to the Port is the most important consideration of this whole project. I cannot understand your continuous avoidance and dismissive attitude toward the health of the people living in this area.

I hope someday soon you will recognize this problem and do something about it.

Very truly yours,  
Walter E. Porter, Jr.

CC TNRC  
401 Coordinator  
MSC-150  
P.O. Box 13087  
Austin, TX 78711-3087

MAY 06 2002

*Julia M. Knutson*  
2622 Orleans Dr. Seabrook TX 77586-3379  
(281) 532-1917 E-Mail juliak@ghg.net

DP 11796  
SCC

1 May 2002

Kerry M. Stanley  
Regulatory Branch CESWG-PE-RB  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston TX 77553-1229

Dear Mr. Stanley:

I have been reading and studying the U.S. Army Corps of Engineers Public Notice most recently received on Permit Application 21520 (Revised), issued 4 April 2002 for the Port of Houston's Bayport Container Terminal proposal.

I filled out a paper request at the meeting held at the Convention Center in downtown Houston on December 12, that I be sent a CD copy of the draft EIS Statement issued 12 November 2001 regarding Application 21520, in release at that time. I have never received any indication that this was acted upon, and never received a CD copy as I was led to understand that paper request should bring.

23-125

My comments on the contents of the revised Notice shall thus necessarily suffice:

1. This document notes that all 18.3 acres of jurisdictional wetlands would be filled. The fate of the additional 114.5 acres of non-jurisdictional wetlands extant within the proposed site is not mentioned. May one ASSUME that these will ALSO be filled? And paved over?
2. Will the additional retention pondage feeding the three outfalls to Pine Gully be sufficient to handle the runoff, in the case of rainfall of more than one inch, without causing flooding of the El Jardin neighborhood downstream (to the east), flooding of the adjacent chemical plants and tankage to the south and west, or backing up and flooding out the impounded "first flush" area? Tropical Storm Allison cannot, in this area, be considered a unique event!
3. Alternate fuel vehicles, when commercially available, make up what proportion of the vehicles forecast to be in use within the Container Terminal itself? Realizing that most commercial tractors are Diesel, and that most are NOT shut down when waiting, what is the projected AVERAGE idle time, and total time within the terminal area, per turnaround, for each of the projected 7,000 units per day (at build-out) mentioned in the original proposal? This includes the number on the trains, which also will have projected total/idle times. What are the estimated total particulate and, in particular, the FINE particulate matter, as well as gaseous emission, figures for these loads? The Houston area is now the 5<sup>th</sup> most polluted in the nation, by figures in today's Houston Chronicle...and lies downwind of this facility!
4. Lighting conditions. When one shines a light from a desk lamp into a dishpan, there is an inevitable "spill" of light due to the total number of lumens in use.

14-84

25-17

25-2

7-140

7-36

7-74

17-22

That is the reason astronomers do not attempt to view the night sky from a metropolitan area. No one has mentioned just how tall these shielded light fixtures will be. However, if they are to effectively illuminate stacks of containers, one must assume that they will not be limited to twenty feet high... the height of the berms and concrete wall meant to mitigate light spill, trespass and pollution. What about work lights on the cranes? There is no height figure that I can find on those schematics, but extrapolation from other measurements would indicate structures reaching about 100-150 feet in height... similar to those now in use at Barbour's Cut... which can be seen, easily, from the lawn of the Houston Yacht Club, and adjacent Bayfront homes, which lie to the north of the proposed 20-foot wall on the present tanker channel.

17-22

5. Similarly, noise pollution FROM those cranes will not be SIGNIFICANTLY mitigated by those walls and berms, trees or not. You can damper spreaders all you want; when a container is dropped, it WILL create sound! So will train whistles, diesel engines taking on load, etc. While the homes nearest the berms and wall may have some effect, just as those neighborhoods adjacent to freeway walls, there WILL be a net increase in the ambient noise level that no berm or wall can erase. AT FULL BUILD-OUT, 7000 containers a day means 392 per hour, every hour around the clock... 6.5 containers moving EACH MINUTE.
6. "Leaking container" concerns: How many of the containers will contain gaseous materials, or those which, when leaked, will present a possibility of gaseous drift? I have seen no "worst case" projection for this terminal or the tank farms, which are adjacent to it in the tanker terminal area now extant. However, I recall the "worst case" projections which I HAVE seen, in the process of protests to the building of two of the chemical facilities which lie directly adjacent to the tank farms, to the south of Port Road. Those projections place my home within the down-wind plume. WHAT PROCEDURES are now in place at Barbour's Cut, and what procedures WILL BE in place for the warning of the adjacent civilian population, of a hazardous leak? There has been a recent case of a gaseous leak in the Port Road area, (a tank car) about which a small portion of the adjacent population became aware only because of a radio news item. The rest of us read about it in the paper the next morning!
7. Sheet 2 of 28 is the only one on which I see any representation of the still-growing presence of tankage (marked Baytank and Celanese, and adjacent to the (unmarked) Lyondel facility to the west, up to the rail spur serving the Petro United area). I am greatly concerned about the wisdom of siting this facility in direct juxtaposition to this amount of tank storage. This, with the addition of the (not indicated) chemical manufacturing facilities directly to the south of Port Road and west of the indicated container yards and truck and train loading and holding facilities, I believe, presents an extreme hazard when one considers the possibility, each year, of having a named hurricane loose in the Gulf and having the potential to impact this area. Given the compression of waters in the Galveston Bay reaches adjacent to this proposed facility, I feel there is an unacceptable risk of a Category Three, Four or Five storm's surge, topped with wind-driven wave action, throwing thousands of loose containers, empty or full, into that mix. No properly shut-down chemical facility or tank facility is

3-20

3-24

8-12

8-2

25-3

equipped to avoid such collateral damage as would result. The twenty-foot berms might or might not serve to mitigate this effect; they are for the most part parallel to the surge effect! If anything, they would serve to concentrate the surge entering the area at the cruise terminal and channel, and **contribute** to the collateral damage!

25-3

8. On December 12<sup>th</sup> I had this conversation with Mr. Richard A. Woodman, PE, of JWD Group, Oakland, CA, who did design work on this project's initial phases. I subsequently sent him copies of the hurricane information, which has been disseminated in the newspapers and in various hurricane briefings in the area in recent years. His comment was that we can't avoid hurricanes, and the Bayport facility was designed to FEMA recommended surge elevations, which he considered to be "a reasonable balance". He wrote that he was passing the information on to a Mr. Charlie Jenkins, Port of Houston Authority. **THERE IS NO MENTION OF ANY CONSIDERATION OF HURRICANES IN ANY OF THE PAPERS I'VE SEEN, or heard of.** Admittedly, a hurricane of an upper magnitude would spell massive damage on the entire coastal area. Why **PLAN** a facility which can only **MAKE IT WORSE BY** loosing thousands of missiles on the storm tide, **DAMAGING** adjacent **CHEMICAL FACILITIES** AND **STORAGE FACILTIES** AND **LOOSING** FURTHER LARGE AMOUNTS OF **CHEMICAL POLLUTION!**

25-3

9. While the area map, sheet 1 of 28, **SHOWS** Shoal Point, Pelican Island, and Spillman's Island, there is absolutely no discussion of these alternate sites in the present document. It is as if the Port Authority has dismissed any combination of these sites as being not adequate to the design it has promulgated from the beginning. It **STILL DOES NOT OWN** all the land it proposes to use at the Bayport Site! I saw a small, back-page article in the paper within the past two weeks that the Port of Houston was beginning negotiations to acquire **THREE** parcels it does not own...if not by negotiated purchase, then by attempting to exercise eminent domain! While it has changed plans to use the land encompassing the Seabrook Festival Grounds and City Parks/Bird Sanctuary areas it originally included in its announcement, there has apparently been little or no attempt to explore the possibilities of the alternate sites mentioned.

2-174

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20-27

10. One must question, given the large numbers of jobs, which were being mentioned by Union personnel who were very visible at the December 12 meeting, just how modern and efficient the planned Port Facility is. There was an article in the Houston Sunday Paper within the past month, which dealt with the ultramodern facilities in several Port Container terminals in the United States and abroad, which had streamlined the cargo-handling art to be much more efficient than this one apparently must be, to occupy so much land and so many jobs. Those jobs were mentioned prominently in publicity about the Port prior to the County-wide elections which approved the Bond issue authority on which the Port rests. Are they talking about installing an **OVERSIZED** and already **OBSOLETE** facility?

1-53

11. Why are publicly financed bonds necessary to build this facility, here at Bayport, against determined opposition of those who will be directly impacted, when all the indications I have seen point to a facility that is **WANTED** on Texas City's Shoal Point, and which would be built with **PRIVATE** money? And which, if the

2-112

Port of Houston Authority would consent to split off the Cruise Terminal, would be of an adequate size to handle the bulk of phases one and two, at the very least, in a MODERN facility. Spillman's Island, an expanse of bare dredge spoil, would conceivably be "ready" for use to accommodate full build-out by Phase three. Are the members of the Port Authority afraid they will not be able to dominate control of such a facility or facilities?

2-142

12. One looks at the "view" of the areas adjacent to the Barbour's Cut facility from Highway 146 north of LaPorte: piles of rusting and obviously out-of-service containers; greasy, bare-dirt marshalling yards for tractors, and trailers for sale, et cetera. Nothing has been said about any sort of zoning or regulation of these "collateral damage" areas. The contrasting view of the area around Highway 146 and Shore Acres Road, (grass and open bayous frequented by herons), Red Bluff and Toddville Roads (bird sanctuaries) and the heavily treed areas the Port Authority has targeted for its wharves tells a presently far different story! While they may not be the identified homes of endangered or threatened species, these areas presently DO play host to the migrating and native birds along the Gulf Flyways! Yes, they're "only" part of a thousand acres; such areas are alarmingly subject to destruction. Just when do we reach "critical mass" destruction?

28-3

28-12

12-16

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13. The Port will need, eventually, to expand the Tanker Loading Facility and accommodate its adjacent tankage growth as well... that area has grown in size and complexity since I first saw it in 1992, and is NOT properly represented on the schematic drawing of Sheet 2 of 28. New tanks are even now under construction in several places. It is my opinion that a far better use for the contested Bayport site would be its reservation toward the eventual expansion needs of the Tanker Loading Facility. Otherwise, I fear the Port Authority, having beaten back opposition, (as they were able to force the cutting and re-routing of Highway 146 to create the Tanker Terminal) will next declare that they will need to take the city of Shore Acres over by eminent domain in order to expand in the only direction they've left available to themselves. This lack of planning and foresight is to be EXPECTED, given their present activities.

4-13

I thank you for your time in attending to these concerns. I may not be a technical writer. However, these concerns affect my use and enjoyment of MY HOME. I am a recent widow who can ill afford the threats to my home's value, my health, and quality of life posed by the presently proposed Bayport Container Terminal.

5-1

22-140

Sincerely,

*Julia M. Knutson*

Julia M. Knutson

(Mrs. Gordon R. Knutson)



MAY 02 2002

James E. Suber  
3902 Bonita Ln  
LaPorte, Texas 77571

April 30, 2002

DP 11797  
SCC

Mr. Kerry M. Stanley  
U.S. Army Corps of Engineers  
Galveston District  
Regulatory Branch  
P.O. Box 1229  
Galveston, TX 77553-1229

Subject: Public Notice, Permit Application 21520 (Revised), dated April 4, 2002

Dear Mr. Stanley,

The subject Public Notice and indicated revisions to Permit Application 21520 does not alter my comments dated March 11, 2002, pertaining to the DEIS for that project. The following comments are additional comments and pertain to the Public Notice and its attachments only.

**Wetlands** – The disparity between statements and representations made in the Public Notice and the attachments is disconcerting and confusing. The statements and representations at issue are as follows:

- A. The Public Notice states that 18.3 acres of jurisdictional wetlands exist on the project site.
- B. Attachment sheets 20, 21 and 22 appear to substantiate the above statement in that the total "proposed jurisdictional wetlands" represented in the drawings is 18.296 acres.
- C. Attachment sheet 25, "Bayport Terminal Mitigation Features", indicates that "The verified wetland delineation of the project site by the Corps provides that there are 2.475 acres of jurisdictional wetlands on the site."

14-85

What are the facts? Must we wait for the Final EIS to learn what the true intent is?

14-76

**Noise Wall** – The permit application revisions include construction of a pre-cast concrete noise wall on the north shore of Bayport Channel.

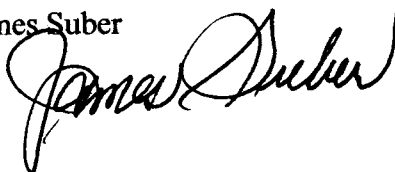
- A. Comments to the DEIS included a request to ascertain the adequacy of 20-foot high noise berms along the southern periphery of the project site and the (DEIS) indicated need for a noise berm along the north shore of Bayport Channel. Such an analysis was not provided in the DEIS and is still needed. Container ships tower above the surrounding surface property and a significant amount of container loading/unloading will occur "above deck" and on top of other layers of containers.
- B. Walls of this nature are considered unacceptable by residents in nearby neighborhoods. The wall will reduce our predominantly south-easter air flow and obstruct our view.

3-21

28-13  
22-160

Thank you for your attention to these matters.

James Suber



MAY 02 2002

To U.S. Army Corps Of Engineering  
Galveston District

Attention: Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RB  
U. S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas  
77553-1229

DP 11798

SCC

Permit Application No. 21520(Revised)

Revision Date 04 April 2002

Applicant Port Of Houston Authority  
P. O. Box 2562  
Houston, Texas

Location: Bayport Ship Channel, in City of Pasadena, between The Cities  
of Shoreaces, and Seabrook

From: Ronald L. West  
318 Tallowood  
El Lago, Texas  
77586-6042  
Phone (281) 326-5291

Date: April 28, 2002

Dear Sirs,

I am opposed to permitting The Port Of Houston Authority In Houston Texas Permit 21520(revised).

I am concerned about keeping our water and air clean, noise pollution, light pollution and hazardous material at the Port and on our highways. The negative cumulative effect upon our neighborhoods will be incredible. Highway 146 and Red Bluff Road are not capable of safely handling the polluting construction trucks and later the heavy trucks with hazardous materials. This Port is too close to our homes, schools and recreation areas. It is unsafe to put the container terminal in Pasadena, between Shore Acres, and Seabrook.

29-29

**Buffer Zone and 20 foot Berm:** I am opposed because it is not large enough.

3-65

**Wetland Property Acquisition and Mitigation:** I am opposed to disturbing our current wetlands.

14-6

**Storm Water Management and Treatment:** I am opposed because the port will eventually be storing leaking hazardous containers. No "Port Authority" can guarantee us that our neighborhoods can be protected from excessive hazardous run off that will enter our ground water, bays and lakes.

8-13

**First Flush Holding Pond:** Eventually this pond water will enter into our neighboring water environs. The aluminum, zinc, lead and uranium will pollute our ground water, bays and

9-36

DP 11798

MAY 02 2002

lakes.

**Environmental Management System:** ISO 14001 certification is not enough guarantee to protect us from the pollutants and hazardous materials that the port would create.

22-163

**Waste Minimization:** I am opposed, it is not enough protection.

9-2

**Leaking Container Station:** The containment devise is not big enough. I am opposed to putting leaking containers with hazardous materials in our neighborhoods near our homes, schools, and recreation areas.

8-14

**Alternate Fuels for Vehicles and equipment:** The current "clean burning trucks" the Port is using consume 30 gallons of propane on one round trip from the Port of Houston to the Port of Galveston, that is putting excessive unmeasured pollutants into our air.

7-153

I am opposed to putting the Container Terminal at the Bayport location. Please consider all the above and do not permit this project that threatens our families, homes, neighborhoods, schools and recreation areas.

29-29

Thanks for your consideration of my opinions.

Sincerely,

  
Ronald L West

MAY 01 2002

CRADY, JEWETT & McCULLEY, L.L.P.

LAWYERS

2727 ALLEN PARKWAY

SUITE 1700

HOUSTON, TEXAS 77019-2125

(713) 739-7007

DP 11799

SCC

hmcculley@cjmlaw.com

TELEFAX

(713) 739-8403

HUGH L. McCULLEY  
PARTNER

April 30, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CRR# 365 973 092**

Kerry M. Stanley  
Regulatory Branch, CESWG-PE-RB  
U. S. Army Corps of Engineers  
P. O. Box 1229  
Galveston, Texas 77553-1229

Re: Comments Submitted By Hugh L. McCulley To Public Notice Issued April 4,  
2002, For Port of Houston Authority Bayport Project, Permit Application  
No. 21520

Dear Ms. Stanley:

Please consider this my personal comments in response to the above-referenced  
Public Notice.

I am concerned that the summary paragraph dealing with "Essential Fish Habitat"  
does not give fair or legal public notice of the Corps' current assessment of whether the  
proposed project violates the Magnuson-Stevens Fishery Conservation and Management  
Act. Your report provides virtually no factual information and it is impossible to tell what  
grounds are relied upon for your initial determination that the proposed action by the Port  
of Houston would not have a substantial adverse impact on Essential Fish Habitat.

12-25

I have considerable personal knowledge regarding three reef structures which will  
be adversely affected by the project. My knowledge is based upon recreational fishing in  
the Galveston Bay area adjacent to the Houston Yacht Club and the Bayport Channel for  
many years, going back to 1959. My family has been members of the Houston Yacht Club  
since 1959. Since 1988 I have owned a waterfront home at 6 Bay Oaks Drive, LaPorte,  
with 140 feet of Galveston Bay water frontage and a pier leased from the State of Texas.  
My home is one and one-half miles from the Project. I fish each of these three reefs  
regularly.

X:\HLMNtr256 Stanley.wpd

Kerry M. Stanley  
April 30, 2002  
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There is a reef right at the entrance of the existing Bayport channel where the channel cuts into the land, on the north side, which reef is about 150 yards long and 50 yards wide. It has been in existence since the channel was first dredged. It is a well known producing reef for all types of game fish. On any given weekend a casual observer will see at least 25 fishing boats use this reef during the course of the day. I do not understand how your reports could fail to address the fact that this reef will be destroyed by the project. There is an additional reef located just outside the Houston Yacht Club bulkhead between its "Judges Stand" marker and its Harbor Levy, which has been in existence since at least 1959. That reef is approximately 100 yards wide and 400 yards long. This is a live oyster reef and, again, any casual observer will notice dozens of fishermen using this reef on any weekend day. This reef, while it may not be destroyed, will definitely be adversely impacted by the project. There is an additional reef known as "Red Bluff reef" which extends from Red Bluff due eastward. This reef used to be much larger running all the way out substantially across the bay as is shown in early day maps of the area. It is smaller now, probably due to the land's subsidence, but it is still a substantial live oyster reef existing more than one-half mile out from land. I believe this reef will be adversely impacted as well by the project.

I do not understand why there has not been more detailed discussion of the specific impact on these reefs. Clearly they will be impacted. Clearly mitigation measures must be taken in response to this adverse impact. I do not understand why there has not been more public explanation and candid explanation of the efforts that are being undertaken in this regard.

The consultants you are relying on probably have no personal knowledge of many of the fishery features of this part of Galveston Bay and I respectfully submit that you would be well served to interview longstanding residents and other users of the fishery resources to obtain first hand information. If your consultants cannot physically locate these reefs, I will be glad to take them out and show them in person. Surely your consultants will take the time now to attempt to locate these reefs. Otherwise, I fail to see how you can reach any conclusion about the impact this project will have upon these reefs.

I will search the record in the proceeding when your final reports are made to see what record there is of your investigations in response to these comments. I will be particularly interested in looking for evidence showing that you have taken the time and trouble to locate these reefs and review the impact to them.

I request that, after you have evaluated these three fishing reefs, you impose appropriate requirements for mitigation upon this project. I know the Port of Houston

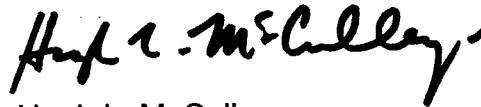
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Kerry M. Stanley  
April 30, 2002  
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Authority will not object as the cost will not be substantial and the Port is willing to provide reasonable environmental mitigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hugh L. McCulley". The signature is written in a cursive, flowing style.

Hugh L. McCulley